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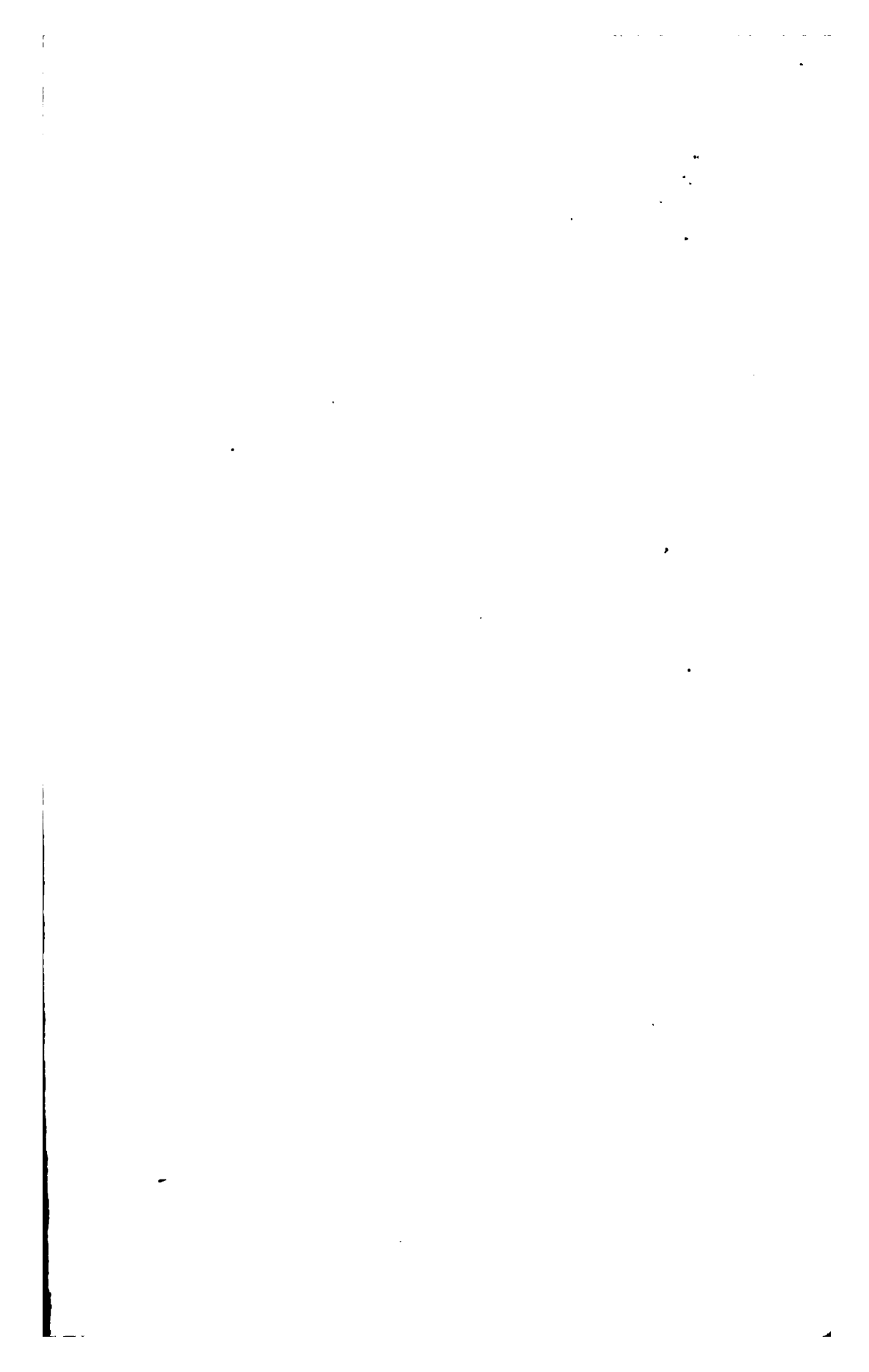
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FOR THE

PREAMBLE.

Objects of government.

**Body politic,
how formed.
Its nature.**

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great *Legislator* of the universe, in affording us, in the course of *His* providence, an opportunity, deliberately and peace-

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendments, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children,

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. 1, Sect. 2, Art. II.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.

Private property not to be taken for public uses without, etc.

6 Cush. 327.
14 Gray, 156.
16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52.
11 Allen, 630.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 656.
100 Mass. 544, 560.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.
108 Mass. 5, 6.

118 Mass. 443, 461.
120 Mass. 118, 120.

122 Mass. 332.
124 Mass. 464.

127 Mass. 550, 554.
129 Mass. 550.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cush. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 458.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 578.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
1 Gray, 1.
18 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 209, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
103 Mass. 45, 47.

114 Mass. 383, 390.
120 Mass. 320, 321.

122 Mass. 505, 516.
123 Mass. 590, 593.

125 Mass. 182, 188.
128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state : it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.
6 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature ; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives : and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good ; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent.
8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

5 Gray, 482.

Excessive bail
or fines, and
cruel punish-
ments, pro-
hibited.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their
office.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Salaries.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives ; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary ; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May ;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's
veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal ; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichever the same shall have originated ; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law : but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

8 Mass. 567.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 116 Mass. 467, 470. may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 116 Mass. 602.

may prescribe their duties.

General court
may impose
taxes, etc.
12 Mass. 262.
5 Allen, 428.
6 Allen, 588.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
235, 238, 240,
298, 300, 312,
313, 500, 612.
98 Mass. 19.
100 Mass. 285.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 388,
391.
116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 493,
495.
127 Mass. 413.
may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, etc.
8 Allen, 247, 256.
Valuation of
estates once in
ten years, at
least, while, etc.
8 Allen, 247.
126 Mass. 547.

this constitution ; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth ; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same ; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by
whom elected.
Superseded by
amendments,
Art. XIII.,
which was also
superseded by
amendments,
Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election ; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose : and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts ; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein ; provided, that the number of such districts shall never be less than thir-

For provision as
to councillors,
see amend-
ments, Art.
XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz.: — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

Counties to be districts, until, etc.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word "inhabitant" defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Senate to be final judge of elections, etc.,

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

of its own members.
Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled.
Changed to election by people.
See amendments, Art. XXIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Qualifications of a senator.
Property qualification abolished.
See amendments, Art. XIII.
For further provision as to residence, see also amendments, Art. XXII.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Senate not to adjourn more than two days.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

shall choose its officers and establish its rules.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum. See amendments, Arts. XXII. and XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen. Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives; every corporate town containing six hundred ratable polls may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.]

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of travelling to and from the general court, how paid. Annulled by Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House alone can impeach.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

House to originate all money bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Not to adjourn more than two days.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

Quorum. See amendments, Arts. XXI. and XXXIII.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.
To be chosen annually.
Qualifications.
See amendments, Arts. VII. and XXXIV.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form

a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published; but if no person shall have a [majority] of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

As to titles, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected.
Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 18 Allen, 693.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall

exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws : and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His Honor; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of
council
Lieutenant-
governor a
member of,
except, etc.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-
governor to be
acting governor,
in case, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of
councillors
changed to
eight.
See amend-
ments, Art.
XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from
whom, and how
chosen.
Modified by
amendments,
Arts. X. and
XIII.
Superseded by
amendments,
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-
come coun-
cillors, their seats
to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present ; and this record may be called for at any time by either house of the legislature ; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows : the vacancies in the senate, if any, shall first be filled up ; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people ; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

lic accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 127 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 584.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony. Other provisions made by law. 106 Mass. 327. 116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room ; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth ; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state ; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this and the other United States of America, — it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

to have, hold, use, exercise, and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

All gifts,
grants, etc.,
confirmed.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively ; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, deviser or devisors.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College ; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates ; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College ; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties ; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them ; especially the university at Cambridge, public schools and grammar schools in the towns ; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country ; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings ; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth ; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[" I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God."]

Oath of office.

" I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God."

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*"I do swear," "and abjure," "oath or," "and abjuration,"* in the first oath, and in the second oath, the words] *"swear and,"* and [in each of them] the words *"So help me, God;"* subjoining instead thereof, *"This I do under the pains and penalties of perjury."*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. 1 Allen, 553.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property quali-
fications may
be increased.
See amend-
ments, Arts.
XIII. and
XXXIV.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 59.
2 Mass. 584.
3 Pick. 809, 816.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.” The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority. Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments. Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid. Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court
empowered to
charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXX. and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state

or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such election.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

7 Gray, 290.
122 Mass. 595,
597.
124 Mass. 596.
For educational
qualification,
see amend-
ments, Art. XX.
For provision
as to those who
have served in
the army or
navy in time
of war, see
amendments,
Arts. XXVIII.
and XXXI.

Notaries public,
how appointed
and removed.

Vacancies in the
offices of secre-
tary and treas-
urer, how filled.
This clause
superseded by
amendments,
Art. XVII.

Commissary-
general may be
appointed, in
case, etc.

Militia officers,
how removed.

Who may vote
for captains and
subalterns.

Oath to be taken
by all officers.
See Const.,
Ch. VI., Art. I.

Proviso.
Quakers may
affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600.
123 Mass. 525.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed

amendment or amendments to the people ; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May ; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political
year,

and termina-
tion.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year ; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.
This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution ; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of

Article, when
to go into
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of GOD and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred rata-

ble polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

city, town and representative district may elect as aforesaid ; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. Provisions as to census superseded by amendments, Arts. XXI. and XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter ; which census shall determine the apportionment of senators and representatives for the term of ten years. 122 Mass. 595.]

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members ; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner : Every town or city containing twelve hundred inhabitants may elect one representative ; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years ; and

such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

Time of annual election of governor and legislature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.
122 Mass. 696,
698.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor.

Legislature to divide state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled.
For new provision as to vacancies, see amendments, Art. XXV.

Organization of the government.

[Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

School moneys not to be applied for sectarian schools. For original provision as to

schools, see constitution, Part First, Art. III.
12 Allen, 500, 508.
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc. See amendments, Art. XXXVI.
8 Gray, 1.
13 Gray, 74.

Reading constitution in English and writing, necessary qualifications of voters. Proviso. For other qualifications, see amendments, Art. III.
See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc. See P. S. c. 31.

House of representatives to consist of 240 members. Legislature to apportion, etc.
10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this pur-

pose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth ; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 505, 508.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.

<p>Voters to be basis of apportionment of senators.</p>	<p>returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: <i>provided, however</i>, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]</p>
<p>Senate to consist of forty members.</p>	
<p>Senatorial districts, etc.</p>	
<p>See amendments, Art. XXIV.</p>	
<p>Qualifications of senators.</p>	
<p>Quorum, see amendments, Art. XXXIII.</p>	
<p>Residence of two years required of naturalized citizens to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.</p>	<p>ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: <i>provided</i>, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, <i>provided, further</i>, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]</p>
<p>Vacancies in the senate.</p>	<p>ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.</p>

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided*, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper"; and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III., rela-
tive to payment
of a tax as a
voting qualifica-
tion, annulled.

ART. XXXII. So much of article three of the amendments of the constitution of the commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property qualifi-
cation of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: "and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds"; is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled.

Amendments,
Art. XIX.,
amended.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30 and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

CONSTITUTION OF MASSACHUSETTS.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1906.

☞ The General Court of the year nineteen hundred and six assembled on Wednesday, the third day of January. The oaths of office were taken and subscribed by His Excellency CURTIS GUILD, Jr., and His Honor EBEN S. DRAPER, on Thursday, the fourth day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION
OF THE MEMBERS OF THE GENERAL COURT, FOR THE COM-
PENSATION OF THE OFFICERS THEREOF, AND FOR EXPENSES
IN CONNECTION THEREWITH. *Chap. 1*

*Be it enacted by the Senate and House of Representatives
in General Court assembled, and by the authority of the
same, as follows:*

SECTION 1. The sums hereinafter mentioned are appro-
priated, to be paid out of the treasury of the Commonwealth
from the ordinary revenue, for the purposes specified, for
the eleven months ending on the thirtieth day of Novem-
ber, nineteen hundred and six, to wit:—

For the compensation of senators, thirty thousand seven
hundred and fifty dollars. *Appropriations.
Senators, com-
pensation.*

For compensation for travel of senators, a sum not ex-
ceeding thirty-two hundred dollars. *Travel.*

For the compensation of representatives, one hundred
eighty thousand seven hundred and fifty dollars. *Representa-
tives, compen-
sation.*

For compensation for travel of representatives, a sum
not exceeding twenty thousand dollars. *Travel.*

For the salaries of the clerks of the senate and house of
representatives, fifty-five hundred dollars. *Senate and
house, clerks.*

For the salaries of the assistant clerks of the senate and
house of representatives, thirty-six hundred sixty-six dol-
lars and sixty-six cents. *Assistant
clerks.*

For such additional clerical assistance to the clerk of
the senate as may be necessary for the proper despatch
of public business, a sum not exceeding fifteen hundred
dollars. *Clerical assist-
ance to clerk
of senate.*

For such additional clerical assistance to the clerk of
the house of representatives as may be necessary for the
proper despatch of public business, a sum not exceeding
two thousand dollars. *Clerical assist-
ance to clerk
of house.*

For the compensation of the chaplains of the senate
and house of representatives, six hundred dollars. *Chaplains.*

Sergeant-at-arms.	For the salary of the sergeant-at-arms, thirty-two hundred eight dollars and thirty-three cents.
First clerk.	For the salary of the first clerk in the office of the sergeant-at-arms, two thousand sixteen dollars and sixty-six cents.
Cashier.	For the salary of the cashier of the sergeant-at-arms, a sum not exceeding nine hundred sixteen dollars and sixty-six cents.
Expenses.	For incidental and contingent expenses of the sergeant-at-arms, and expense of mailing legislative bulletins, a sum not exceeding four hundred twelve dollars and fifty cents.
Doorkeepers, etc.	For the salaries of the doorkeepers of the senate and house of representatives, and the postmaster, thirty-eight hundred and fifty dollars.
Assistant doorkeepers, messengers, etc.	For the compensation of assistant doorkeepers, messengers and pages to the senate and house of representatives, a sum not exceeding thirty thousand three hundred dollars.
Printing and binding, senate and house.	For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty-five thousand dollars.
Manual.	For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding forty-five hundred dollars.
Senate stationery.	For stationery for the senate, purchased by the clerk, a sum not exceeding eight hundred dollars.
House stationery.	For stationery for the house of representatives, purchased by the clerk, a sum not exceeding twelve hundred dollars.
Sergeant-at-arms, stationery.	For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding nine hundred sixteen dollars and sixty-six cents.
Contingent expenses.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding fifty-five hundred dollars.
Expenses of committees.	For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten thousand dollars.
Advertising hearings.	For expenses of advertising hearings of the committees of the present general court, to include expenses of prepar-

ing and mailing the advertisements to the various newspapers, a sum not exceeding fifteen thousand dollars.

For expenses of summoning witnesses, and for fees of such witnesses, a sum not exceeding two hundred dollars. Witness fees, etc.

For expenses in connection with the publication of the bulletin of committee hearings, a sum not exceeding forty-five hundred dollars. Publication of bulletin.

SECTION 2. This act shall take effect upon its passage.

Approved January 10, 1906.

AN ACT MAKING AN APPROPRIATION FOR COMPENSATION AND EXPENSES OF THE JOINT SPECIAL COMMITTEE ON RAILROAD AND STREET RAILWAY LAWS.

Chap. 2

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for compensation and expenses of the joint special committee on railroad and street railway laws, appointed by the general court of the year nineteen hundred and five, to sit during the recess, to wit: — Committee on railroad and street railway laws.

For compensation of members, the sum of thirteen thousand five hundred dollars. Compensation of members.

For mileage of members of said committee and for incidental and contingent expenses, a sum not exceeding twenty-eight hundred dollars. Mileage, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 10, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Chap. 3

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: — Appropriations.

For the salary of the governor, seventy-three hundred thirty-three dollars and thirty-three cents. Governor.

For the compensation of the lieutenant governor, eight-hundred thirty-three dollars and thirty-three cents; and for that of the executive council, fifty-eight hundred sixty-six dollars and sixty-six cents. Lieutenant governor and council.

Travelling expenses.

For travelling expenses of the executive council, a sum not exceeding thirteen hundred and seventy-five dollars.

Private secretary to governor.

For the salary of the private secretary of the governor, twenty-two hundred ninety-one dollars and sixty-six cents.

Executive secretary.

For the salary of the executive secretary, twenty-two hundred ninety-one dollars and sixty-six cents.

Stenographer.

For the salary of the executive stenographer, a sum not exceeding thirteen hundred and seventy-five dollars.

Clerical assistance.

For clerical assistance for the executive department, a sum not exceeding nine hundred sixteen dollars and sixty-six cents.

Executive messenger.

For the salary of the executive messenger, nine hundred sixteen dollars and sixty-six cents.

Assistant.

For the salary of the assistant executive messenger, seven hundred thirty-three dollars and thirty-three cents.

Executive department expenses.

For contingent expenses of the executive department, a sum not exceeding twenty-seven hundred and fifty dollars.

Postage, printing, etc.

For postage, printing and stationery for the executive department, a sum not exceeding seven hundred thirty-three dollars and thirty-three cents.

Governor and council expenses.

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-two hundred ninety-one dollars and sixty-six cents.

Postage, printing, etc.

For postage, printing and stationery for the executive council, a sum not exceeding four hundred fifty-eight dollars and thirty-three cents.

Extraordinary expenses.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding thirteen thousand seven hundred and fifty dollars.

Tables and indexes to statutes.

For the preparation of tables and indexes relating to the statutes of the present year and of previous years, a sum not exceeding five hundred dollars.

Arrest of fugitives.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding nine hundred sixteen dollars and sixty-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE SECRETARY OF THE COMMON-
WEALTH. *Chap. 4*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salary of the secretary of the Commonwealth, thirty-two hundred eight dollars and thirty-three cents.

For the salary of the first clerk in the secretary's department, twenty-two hundred ninety-one dollars and sixty-six cents.

For the salary of the second clerk in the secretary's department, two thousand sixteen dollars and sixty-six cents.

For the salary of the chief of the archives division in the secretary's department, eighteen hundred thirty-three dollars and thirty-three cents.

For the salary of the cashier in the secretary's department, a sum not exceeding eleven hundred dollars.

For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-four thousand nine hundred thirty-three dollars and thirty-three cents.

For incidental and contingent expenses in the secretary's department, a sum not exceeding thirty-four hundred thirty-seven dollars and fifty cents.

For the arrangement and preservation of state records and papers, a sum not exceeding thirty-six hundred sixty-six dollars and sixty-six cents.

For postage and expressage on documents sent to members of the general court, and for transportation of documents to free public libraries, a sum not exceeding twenty-five hundred dollars.

For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding two thousand dollars.

For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding two thousand dollars.

Appropriations.

Secretary.

First clerk.

Second clerk.

Chief of archives division.

Cashier.

Clerical assistance and messengers.

Expenses.

Arrangement of records, etc.

Postage, etc.

Ballot boxes.

Regimental histories.

Preservation
of certain town
records.

For the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty, a sum not exceeding fifteen thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 5 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Auditor.

For the salary of the auditor, thirty-two hundred eight dollars and thirty-three cents.

First clerk.

For the salary of the first clerk in the auditor's department, twenty-two hundred ninety-one dollars and sixty-six cents.

Second clerk.

For the salary of the second clerk in the auditor's department, two thousand sixteen dollars and sixty-six cents.

Extra clerks.

For the salaries of the extra clerks in the auditor's department, fifty-five hundred dollars.

Stenographers,
etc.

For stenographers and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding forty-one hundred and twenty-five dollars.

Messenger.

For the salary of the messenger in the auditor's department, eight hundred and twenty-five dollars.

Printing
expert.

For the compensation of a state printing expert, a sum not exceeding thirteen hundred and seventy-five dollars.

Expenses.

For incidental and contingent expenses in the auditor's department, a sum not exceeding thirteen hundred and seventy-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 6 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salary of the chairman and of the two associate commissioners of savings banks, eighty-seven hundred eight dollars and thirty-three cents. Commissioners of savings banks.

For the salary of the first clerk of the commissioners, eighteen hundred thirty-three dollars and thirty-three cents. First clerk.

For the salary of the second clerk of the commissioners, thirteen hundred and seventy-five dollars. Second clerk.

For the salary of the third clerk of the commissioners, eleven hundred dollars. Third clerk.

For such additional clerks and expert assistants as the commissioners may deem necessary, a sum not exceeding twenty-two hundred ninety-one dollars and sixty-six cents. Additional clerks, etc.

For travelling and incidental expenses of the commissioners, a sum not exceeding twenty-seven hundred and fifty dollars. Expenses.

For printing and binding the annual report of the commissioners, a sum not exceeding fifty-five hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION.

Chap. 7

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars. Appropriations. Ballot law commission.

For the expenses of the ballot law commission, a sum not exceeding one hundred and fifty dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 8

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

Appropriations. Massachusetts

Agricultural College.	from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six; to wit:—
Scholarships.	For providing one hundred and twenty free scholarships, the sum of thirteen thousand seven hundred and fifty dollars.
Theoretical and practical education.	For providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of eleven thousand nine hundred sixteen dollars and sixty-six cents.
Labor fund, etc.	For the further maintenance of the college, the sum of ninety-one hundred sixty-six dollars and sixty-six cents, of which five thousand dollars a year shall be used as a labor fund for the assistance of needy students.
Veterinary laboratory.	For a maintenance fund for the veterinary laboratory at the college, the sum of nine hundred sixteen dollars and sixty-six cents.
Heating and lighting plant.	For maintenance of the heating and lighting plant of the college, the sum of four hundred fifty-eight dollars and thirty-three cents.
Dining hall.	For maintenance of the dining hall at the college, the sum of four hundred fifty-eight dollars and thirty-three cents.
Agricultural experiment station.	For maintaining an agricultural experiment station at the college, the sum of ninety-six hundred and twenty-five dollars.
Collecting, etc., samples of commercial feed stuffs.	For collecting and analyzing samples of concentrated commercial feed stuffs, a sum not exceeding twenty-seven hundred and fifty dollars.
Expenses of trustees.	For travelling and other necessary expenses of the trustees of the college, a sum not exceeding four hundred fifty-eight dollars and thirty-three cents.
Report of trustees.	For printing and binding the report of the trustees of the college, a sum not exceeding eight hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 9 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

Massachusetts
State Fire-
men's Associa-
tion.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the

Commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided by chapter one hundred and eight of the acts of the year nineteen hundred and two.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION
OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS
WHO SERVED IN THE WAR OF THE REBELLION. Chap. 10

Be it enacted, etc., as follows:

SECTION 1. The sum of ninety-one hundred sixty-six dollars and sixty-six cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the publication of a record of Massachusetts troops and officers, sailors and marines, in the war of the rebellion, as authorized by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-nine.

Publication of
record of
soldiers and
sailors.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPRESSION OF
THE GYPSY AND BROWN TAIL MOTHS. Chap. 11

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

For suppressing the gypsy and brown tail moths, and for expenses incidental thereto, a sum not exceeding one hundred and thirty-seven thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Suppressing
the gypsy and
brown tail
moths.

For experimenting with parasites or natural enemies for destroying said moths, and for expenses incidental thereto, a sum not exceeding ninety-one hundred sixty-six dollars and sixty-six cents.

Experimenting
with
parasites.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 12 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE TREASURER AND RECEIVER
GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Treasurer.

For the salary of the treasurer and receiver general of the Commonwealth, forty-five hundred eighty-three dollars and thirty-three cents.

First clerk.

For the salary of the first clerk in the treasurer's department, twenty-three hundred eighty-three dollars and thirty-three cents.

Second clerk.

For the salary of the second clerk in the treasurer's department, nineteen hundred and twenty-five dollars.

Third clerk.

For the salary of the third clerk in the treasurer's department, sixteen hundred and fifty dollars.

Receiving teller.

For the salary of the receiving teller in the treasurer's department, sixteen hundred and fifty dollars.

Paying teller.

For the salary of the paying teller in the treasurer's department, sixteen hundred and fifty dollars.

Assistant paying teller.

For the salary of the assistant paying teller in the treasurer's department, nine hundred sixteen dollars and sixty-six cents.

Cashier.

For the salary of the cashier in the treasurer's department, two thousand sixteen dollars and sixty-six cents.

Assistant bookkeeper.

For the salary of the assistant bookkeeper in the treasurer's department, thirteen hundred and seventy-five dollars.

Fund clerk.

For the salary of the fund clerk in the treasurer's department, thirteen hundred and seventy-five dollars.

Warrant clerk.

For the salary of the warrant clerk in the treasurer's department, eleven hundred dollars.

Files clerk.

For the salary of the files clerk in the treasurer's department, eight hundred and twenty-five dollars.

Legacy tax clerk.

For the salary of the legacy tax clerk in the treasurer's department, seventeen hundred forty-one dollars and sixty-six cents.

Stenographer.

For the salary of the stenographer in the treasurer's department, eight hundred and twenty-five dollars.

For the salary of the messenger in the treasurer's department, eight hundred and twenty-five dollars. Messenger.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-two hundred eight dollars and thirty-three cents. Clerical assistance.

For incidental and contingent expenses in the treasurer's department, a sum not exceeding thirty-six hundred sixty-six dollars and sixty-six cents. Expenses.

For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding nine hundred sixteen dollars and sixty-six cents. Tax on collateral legacies, etc.

For the salary of the deputy sealer of weights, measures and balances, thirteen hundred and seventy-five dollars. Deputy sealer of weights, etc.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding seven hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town; also to provide cities and towns with such parts of said sets as may be necessary to make their sets complete, a sum not exceeding four hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS. Chap. 13

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the gas and electric light commissioners, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:— Appropriations.

For the salaries of the commissioners, ten thousand eighty-three dollars and thirty-three cents. Gas and electric light commissioners.

For clerical assistance to the commissioners, a sum not exceeding thirty-seven hundred fifty-eight dollars and thirty-three cents. Clerical assistance.

For statistics, books, stationery, and for the necessary Expenses.

	expenses of the commissioners, a sum not exceeding twenty-two hundred ninety-one dollars and sixty-six cents.
Inspection of electric meters.	For the inspection of electric meters, a sum not exceeding eight hundred dollars.
Gas inspector.	For the salary of the gas inspector, twenty-two hundred ninety-one dollars and sixty-six cents.
First assistant.	For the salary of the first assistant inspector, thirteen hundred and seventy-five dollars.
Second assistant.	For the salary of the second assistant inspector, eleven hundred dollars.
Deputies, etc.	For the compensation of deputies, travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding six thousand dollars.
Annual report.	For the printing and binding of the annual report of the commissioners, a sum not exceeding sixteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 14 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—
Harbor and land commissioners.	For the salaries of the harbor and land commissioners, seventy-nine hundred and seventy-five dollars.
Engineers, clerical assistance, etc.	For the compensation and expenses of engineers, and for clerical and other assistance to the commissioners, a sum not exceeding twenty-seven thousand dollars.
Travelling expenses.	For travelling and other necessary expenses of the commissioners, a sum not exceeding six hundred and eighty-seven dollars.
Office expenses, etc.	For incidental and contingent office expenses of the commissioners, to include the printing and binding of their annual report, a sum not exceeding two thousand dollars.
Town boundary atlases.	For printing town boundary atlases, a sum not exceeding three thousand dollars.
Preservation of harbors, etc.	For surveys of harbors and for improving and preserving the same, and for repairing damages occasioned by

storms along the coast line or river banks of the Commonwealth, a sum not exceeding forty-five hundred eighty-three dollars and thirty-three cents.

For the removal of wrecks and other obstructions from tide waters, a sum not exceeding nine hundred sixteen dollars and sixty-six cents. Removal of wrecks, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE TAX COMMISSIONER AND COM-
MISSIONER OF CORPORATIONS. Chap. 15

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:— Appropriations.

For the salary of the tax commissioner and commissioner of corporations, thirty-two hundred eight dollars and thirty-three cents. Tax commissioner.

For the salary of the deputy tax commissioner, twenty-two hundred ninety-one dollars and sixty-six cents. Deputy.

For the salary of the first clerk in the department of the tax commissioner, eighteen hundred thirty-three dollars and thirty-three cents. First clerk.

For the salary of the second clerk in the department of the tax commissioner, thirteen hundred and seventy-five dollars. Second clerk.

For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding seventeen thousand eight hundred and seventy-five dollars. Clerical assistance.

For travelling expenses of the tax commissioner and his deputy, a sum not exceeding four hundred fifty-eight dollars and thirty-three cents. Travelling expenses.

For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding thirty-eight hundred four dollars and seventeen cents. Expenses.

For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding twenty-seven hundred and fifty dollars. State valuation.

Annual report. For the printing and binding of the annual report of the tax commissioner, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 16 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Board of conciliation, etc.

For the salaries of the members of the state board of conciliation and arbitration, sixty-eight hundred and seventy-five dollars.

Clerk.

For the salary of the clerk of the board, thirteen hundred and seventy-five dollars.

Expenses.

For travelling, incidental and contingent expenses of the board, the same to include the printing and binding of the annual report, also the compensation of expert assistants, a sum not exceeding ten thousand six hundred and eighty-two dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 17 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

State librarian.

For the salary of the state librarian, twenty-seven hundred and fifty dollars.

Purchase of books.

For the purchase of books for the state library, seventy-seven hundred ninety-one dollars and sixty-six cents.

Clerical assistance.

For such clerical assistance in the state library as may be necessary, a sum not exceeding forty-nine hundred and fifty dollars.

For preparing an index to current events and such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding nine hundred sixteen dollars and sixty-six cents. Index to current events.

For contingent expenses in the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding eighteen hundred thirty-three dollars and thirty-three cents. Expenses.

For the printing and binding of the annual report of the librarian of the state library, a sum not exceeding eight hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS. Chap. 18

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: — Appropriations.

For the salary of the controller of county accounts, twenty-two hundred ninety-one dollars and sixty-six cents. Controller of county accounts.

For the salary of the first deputy controller of county accounts, sixteen hundred and fifty dollars. First deputy.

For the salary of the second deputy controller of county accounts, thirteen hundred and seventy-five dollars. Second deputy.

For the salary of the third deputy controller of county accounts, eleven hundred dollars. Third deputy.

For travelling and office expenses of the controller of county accounts and his deputies, to include the printing and binding of the annual report, a sum not exceeding thirteen hundred and fifty dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN VETERINARY MEDICINE. Chap. 19

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for Appropriations.

the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Board of
registration in
veterinary
medicine.

For the salaries of the members of the board of registration in veterinary medicine, a sum not exceeding two hundred twenty-nine dollars and sixteen cents.

Expenses.

For travelling and other expenses of the members of the board, a sum not exceeding six hundred eighty-seven dollars and fifty cents.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 20 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Free public
libraries.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding fifteen hundred dollars.

Clerical
assistance, etc.

For clerical assistance to and incidental and necessary expenses of the board of free public library commissioners, the same to include the printing and binding of the annual report, a sum not exceeding six hundred fifty-eight dollars and thirty-three cents.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 21 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Board of
registration in
dentistry.

For the salaries of the members of the board of registration in dentistry, fifteen hundred fifty-eight dollars and thirty-three cents.

Clerical
services, etc.

For clerical services, postage, printing, travelling and other necessary expenses of the board, to include the print-

ing of the annual report, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN MEDICINE. *Chap. 22*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salaries of the members of the board of registration in medicine, thirty-nine hundred forty-one dollars and sixty-six cents.

For travelling and other expenses of the board, a sum not exceeding five hundred and fifty dollars.

For clerical services, printing, postage, office supplies and contingent expenses of the members of the board, the same to include the printing of the annual report, a sum not exceeding sixteen hundred thirty-three dollars and thirty-four cents.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY. *Chap. 23*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salaries of the members of the board of registration in pharmacy, twenty-two hundred dollars.

For travelling and other expenses of the members of the board, a sum not exceeding thirteen hundred fifty-two dollars and eight cents.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees and incidental and contingent expenses of the board, the same to include the

printing of the annual report, a sum not exceeding thirteen hundred and seventy-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 24 AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, FOR PURCHASING PAPER, AND FOR PUBLISHING LAWS AND MATTERS RELATING TO ELECTIONS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Public documents.

For printing and binding the series of public documents, a sum not exceeding eighteen thousand dollars.

Pamphlet edition, acts and resolves.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding four thousand dollars.

Blue book.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seventy-two hundred and fifty dollars.

Publication of laws, etc.

For the newspaper publication of general laws and information intended for the public, a sum not exceeding five hundred dollars.

Decisions of supreme judicial court.
Purchase of paper.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars.

For the purchase of paper used in the execution of the contract for state printing, a sum not exceeding thirty-three thousand dollars.

Assessors' books, etc.

For assessors' books and blanks, a sum not exceeding one thousand dollars.

Registration books, etc.

For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding thirty-eight hundred dollars.

Printing, etc., ballots.

For printing and distributing ballots, a sum not exceeding ten thousand dollars.

Blank forms, etc.

For blank forms for town officers, election laws and blanks and instructions on all matters relating to elections, and for the expense of advertising the state ticket, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND. *Chap. 25*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by section three of chapter forty-one of the Revised Laws. Massachusetts School Fund.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE EXPENSES OF TAKING THE DECENNIAL CENSUS. *Chap. 26*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for payment of the expenses of taking the decennial census, as provided for by chapter four hundred and twenty-three of the acts of the year nineteen hundred and four, the same to be in addition to any amount heretofore appropriated for the same purpose. Taking the decennial census.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE PRINTING, BINDING AND DISTRIBUTION OF THE REPORTS OF THE DECENNIAL CENSUS. *Chap. 27*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for printing, binding and distributing the reports of the decennial census of the year nineteen hundred and five, as authorized by chapter sixty-six of the resolves of the year nineteen hundred and five, the same to be in addition to any amount heretofore appropriated for the same purpose. Printing, etc., reports of decennial census.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 28 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, etc., as follows:

Massachusetts
Institute of
Technology.

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 29 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows:

Massachusetts
School Fund.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, as provided for by section two of chapter forty-one of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 30 AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Commissioner
of public
records.

For the salary of the commissioner of public records, twenty-two hundred ninety-one dollars and sixty-six cents.

Expenses.

For travelling, clerical and other necessary expenses of the commissioner, including the printing of his annual report, a sum not exceeding eighteen hundred eight dollars and thirty-four cents.

Purchase of
ink.

For the purchase of ink for public records, a sum not exceeding three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER
POLYTECHNIC INSTITUTE. *Chap. 31*

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter one hundred and nine of the acts of the year nineteen hundred and five.

Worcester
Polytechnic
Institute.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR DREDGING THE
CHANNEL OF THE ANNISQUAM RIVER IN THE CITY OF
GLOUCESTER. *Chap. 32*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding sixteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for dredging and improving the channel of the Annisquam river between Gloucester harbor and Wolf hill, as authorized by chapter eighty-eight of the resolves of the year nineteen hundred and four, the same to be in addition to any amounts heretofore appropriated for the same purpose.

Dredging, etc.,
channel of
Annisquam
river.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF
CERTAIN CLAIMS ARISING FROM THE DEATH OF FIREMEN
KILLED OR INJURED IN THE DISCHARGE OF THEIR DUTIES. *Chap. 33*

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of the death of firemen belonging to the regularly organized fire department of a city or town, or of members in active service of any incorporated protective department, or of any person doing duty at the request of or by order of the authorities of a town which has no organized fire depart-

Payment of
certain claims
arising from
the death of
firemen.

ment, who are killed or who die from injuries received while in the discharge of their duties at fires, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved January 24, 1906.

Chap. 34 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Insurance commissioner.

For the salary of the insurance commissioner, thirty-two hundred eight dollars and thirty-three cents.

Deputy.

For the salary of the deputy insurance commissioner, twenty-two hundred ninety-one dollars and sixty-six cents.

Actuary.

For the salary of the actuary in the insurance department, eighteen hundred thirty-three dollars and thirty-three cents.

Examiner.

For the salary of the examiner in the insurance department, eighteen hundred thirty-three dollars and thirty-three cents.

Chief clerk.

For the salary of the chief clerk in the insurance department, eighteen hundred thirty-three dollars and thirty-three cents.

Second clerk.

For the salary of the second clerk in the insurance department, thirteen hundred and seventy-five dollars.

Third clerk.

For the salary of the third clerk in the insurance department, eleven hundred dollars.

Additional clerks, etc.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-seven thousand thirty-seven dollars and fifty cents.

Expenses.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding forty-five hundred eighty-three dollars and thirty-three cents.

Annual report.

For the printing and binding of the annual report of the insurance commissioner, a sum not exceeding forty-six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE. Chap. 35

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

For the salary of the chief of the district police, twenty-two hundred ninety-one dollars and sixty-six cents. Appropriations.
Chief of district police.

For the salary of the first clerk in the office of the district police, thirteen hundred and seventy-five dollars. First clerk.

For the salary of the second clerk in the office of the district police, nine hundred sixteen dollars and sixty-six cents. Second clerk.

For postage, printing, stationery, telephone, telegraph, and incidental and contingent office expenses in the department of the district police, a sum not exceeding forty-five hundred eighty-three dollars and thirty-three cents. Expenses.

For the printing and binding of the annual report, a sum not exceeding five hundred dollars. Annual report.

DETECTIVE DEPARTMENT.

For the salary of the deputy chief of the detective department of the district police, twenty-two hundred dollars. Deputy chief of detective department.

For the salary of the clerk in the detective department of the district police, eleven hundred dollars. Clerk.

For the salary of the stenographer in the detective department of the district police, eleven hundred dollars. Stenographer.

For the compensation of the members of the detective department of the district police, a sum not exceeding nineteen thousand five hundred and twenty-five dollars. Members, compensation.

For the compensation of the fire inspectors of the detective department of the district police, ninety-nine hundred dollars. Fire inspectors.

For travelling expenses of the members of the detective department of the district police, a sum not exceeding eleven thousand five hundred and fifty dollars. Travelling expenses.

For special services and expenses of persons employed under the direction of the deputy chief of the detective department in the investigation of fires, including witness Special services, etc.

fees, travel, contingent and incidental expenses, a sum not exceeding thirteen hundred and seventy-five dollars.

INSPECTION DEPARTMENT.

Deputy chief
of inspection
department.

For the salary of the deputy chief of the inspection department of the district police, twenty-two hundred dollars.

Clerk.

For the salary of the clerk in the inspection department of the district police, five hundred and fifty dollars.

Members, com-
pensation.

For the compensation of the members of the inspection department of the district police, a sum not exceeding fifty thousand four hundred sixteen dollars and sixty-six cents.

Travelling
expenses.

For travelling expenses of the members of the inspection department of the district police, a sum not exceeding thirteen thousand seven hundred and fifty dollars.

Operating the
steamer
Lexington.

For the expenses of operating the steamer Lexington which is in charge of the chief of the district police and used in the enforcement of the fishery laws of the Commonwealth, a sum not exceeding nine thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

Chap. 36 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Massachusetts
highway
commission.

For the salaries of the Massachusetts highway commission, the sum of seventy-seven hundred ninety-one dollars and sixty-six cents.

Engineers,
clerks, etc.

For the salaries of the engineers, clerks and assistants in the office of the commission, a sum not exceeding thirteen thousand one hundred twenty-six dollars and sixty-six cents.

Expenses.

For travelling and other expenses of the commission, printing, postage and necessary office expenses, a sum not exceeding fifty-nine hundred fifty-eight dollars and thirty-three cents.

For rent of offices for the use of the commission, a sum not exceeding four thousand three hundred fifty-four dollars and sixteen cents. Rent of offices.

For the printing and binding of the annual report of the commission, a sum not exceeding twelve hundred dollars. Annual report.

For care and repair of road-building machinery, a sum not exceeding thirty-five hundred dollars. Road-building machinery.

For expenses in connection with the registration of motor vehicles and the licensing of operators thereof, a sum not exceeding ten thousand eighty-three dollars and thirty-three cents. Registration of motor vehicles.

For the maintenance of state highways, a sum not exceeding sixty-four thousand one hundred sixty-six dollars and sixty-six cents. State highways.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION Chap. 37
FOR THE EXPENSES OF THE DECENNIAL CENSUS.

Be it enacted, etc., as follows:

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet additional expenses in completing the census field work, and for salaries of the clerical force required for tabulations, and for such other expenses as may be necessary, the same to be in addition to any amount heretofore appropriated for this purpose. Expenses of taking the decennial census.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND Chap. 38
EXPENSES OF THE RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Railroad Commissioners' Fund, to provide for the expenses of the railroad commissioners, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: — Appropriations.

For the salaries of the railroad commissioners, eleven thousand nine hundred sixteen dollars and sixty-six cents. Railroad commissioners.

Clerk.	For the salary of the clerk of the railroad commissioners, twenty-two hundred ninety-one dollars and sixty-six cents.
Assistant clerk.	For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding eleven hundred dollars.
Clerical assistance.	For such additional clerical assistance as the railroad commissioners may find necessary for the proper despatch of public business, a sum not exceeding twelve hundred dollars.
Accountant.	For the salary of the accountant of the railroad commissioners, twenty-two hundred ninety-one dollars and sixty-six cents.
Railroad inspectors.	For the salaries and expenses of the railroad inspectors, a sum not exceeding eighty-two hundred and fifty dollars.
Experts, etc.	For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding eight thousand dollars.
Rent, messenger, etc.	For rent, care of office and salary of a messenger for the railroad commissioners, a sum not exceeding fifty-five hundred dollars.
Stationery, etc.	For books, maps, statistics, stationery, and for incidental and contingent expenses of the railroad commissioners, a sum not exceeding forty-two hundred dollars.
Stenographer, etc.	For a stenographer and stenographic reports, a sum not exceeding twelve hundred dollars.
Annual report.	For the printing and binding of the annual report of the railroad commissioners, a sum not exceeding fifty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

Chap. 39 AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE AND MILITARY AID AND EXPENSES IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —
State and military aid.	For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts volun-

teers and their families, a sum not exceeding eight hundred and forty-six thousand dollars, the same to be paid on or before the tenth day of December in the year nineteen hundred and six.

For the salary of the commissioner of state aid and pensions, twenty-two hundred ninety-one dollars and sixty-six cents. Commissioner of state aid and pensions.

For the salary of the deputy commissioner of state aid and pensions, eighteen hundred thirty-three dollars and thirty-three cents. Deputy.

For the salary of the chief clerk of the commissioner of state aid and pensions, thirteen hundred and seventy-five dollars. Chief clerk.

For the salaries of the agents of the commissioner of state aid and pensions, thirty-eight hundred fifty dollars and ninety-eight cents. Agents.

For the salary of the bookkeeper of the commissioner of state aid and pensions, eleven hundred ninety-one dollars and sixty-six cents. Bookkeeper.

For the salaries of additional clerks of the commissioner of state aid and pensions, a sum not exceeding thirty-five hundred fifty-six dollars and sixty-six cents. Additional clerks.

For incidental and contingent expenses of the commissioner of state aid and pensions, including necessary travel, a sum not exceeding twenty-seven hundred sixty-eight dollars and thirty-four cents. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE PRISON.

Chap. 40

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state prison, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: — Appropriations.

For salaries, a sum not exceeding seventy-four thousand two hundred and fifty dollars. State prison, salaries.

For other current expenses, a sum not exceeding seventy-four thousand one hundred and thirty-seven dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

Chap. 41 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

Appropriations.
Reformatory prison for women.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the reformatory prison for women, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Salaries, etc.

For salaries and wages, a sum not exceeding twenty-two thousand nine hundred dollars.

Expenses.

For other current expenses, a sum not exceeding twenty-nine thousand four hundred dollars.

Town of Framingham.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at said prison, the sum of six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1906.

Chap. 42 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE PRISON COMMISSIONERS, AND FOR
SUNDRY REFORMATORY EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Prison commissioners, chairman.

For the salary of the chairman of the prison commissioners, thirty-six hundred sixty-six dollars and sixty-six cents.

Secretary.

For the salary of the secretary of the prison commissioners, twenty-two hundred ninety-one dollars and sixty-six cents.

Clerical assistance.

For clerical assistance in the office of the prison commissioners, a sum not exceeding forty-four hundred dollars.

Agents.

For the salaries of the agents of the prison commissioners, forty-seven hundred sixty-six dollars and sixty-six cents.

Travelling expenses.

For travelling expenses of the prison commissioners, and of the secretary and agents of said commissioners, a

sum not exceeding twenty-seven hundred and fifty dollars.

For incidental and contingent expenses of the prison commissioners, including the printing and binding of the annual report, a sum not exceeding twenty-three hundred and eighty-four dollars. Expenses.

For the salary of the agent for aiding discharged female prisoners, nine hundred sixteen dollars and sixty-six cents. Agent for aiding discharged female prisoners. Expenses.

For the expenses of the agent for aiding discharged female prisoners, including assistance rendered to such prisoners, a sum not exceeding twenty-seven hundred and fifty dollars.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding forty-five hundred and eighty-four dollars. Aiding prisoners discharged from reformatory.

For aiding prisoners discharged from the state prison, a sum not exceeding twenty-seven hundred and fifty dollars. Aiding prisoners discharged from state prison.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding eight-hundred thirty-three dollars and thirty-three cents. Removal of prisoners.

For expenses in connection with the identification of criminals, a sum not exceeding nineteen hundred and twenty-five dollars. Expenses of identification of criminals.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE BUREAU OF STATISTICS OF LABOR.

Chap. 43

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:— Appropriations.

For the salary of the chief of the bureau of statistics of labor, twenty-seven hundred and fifty dollars. Chief of bureau of statistics of labor.

For the salary of the first clerk of the bureau of statistics of labor, eighteen hundred thirty-three dollars and thirty-three cents. First clerk.

For the salary of the second clerk of the bureau of statistics of labor, fifteen hundred twelve dollars and fifty cents. Second clerk.

- Special agents.** For the salaries of the two special agents of the bureau of statistics of labor, the sum of twenty-two hundred dollars.
- Clerical assistance.** For such additional clerical assistance, and for such other expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding fifteen thousand two hundred dollars.
- Statistics of manufactures.** For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding six thousand dollars.
- Expenses of special census.** For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding one thousand dollars.
- Annual reports.** For the printing and binding of the annual reports of the bureau of statistics of labor, a sum not exceeding six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

Chap. 44 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE COMMISSIONERS OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Be it enacted, etc., as follows:

- Massachusetts nautical training school.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—
- Current expenses.** For the current expenses of the Massachusetts nautical training school, a sum not exceeding fifty thousand four hundred sixteen dollars and sixty-six cents.
- Expenses of commissioners.** For the necessary expenses of the commissioners of the Massachusetts nautical training school, including the salary of the secretary, clerical services, printing, stationery, and for contingent expenses and the printing and binding of the annual report of the commission, a sum not exceeding forty-five hundred eighty-three dollars and thirty-three cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

AN ACT MAKING AN APPROPRIATION FOR MAINTAINING THE
INDUSTRIAL CAMP FOR PRISONERS. *Chap. 45*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixteen thousand one hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for salaries and expenses at the industrial camp for prisoners, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

Industrial
camp for
prisoners,
salaries, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING
CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER
ANIMALS. *Chap. 46*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the cattle bureau of the state board of agriculture, for the extermination of contagious diseases among horses, cattle and other animals, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

Extermination
of contagious
diseases
among ani-
mals.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS
EXPENSES AUTHORIZED BY LAW. *Chap. 47*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Appropriations.

For medical examiners' fees, a sum not exceeding four hundred dollars.

Medical examiners' fees.

For travelling, clerical and other necessary expenses of the state board of publication, a sum not exceeding one hundred dollars.

State board of publication, expenses.

Damages by
wild deer.

For the payment of damages caused by wild deer, a sum not exceeding two thousand dollars.

Repair of roads
in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and six, the sum of three hundred dollars.

Beach Point
road in Truro.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars.

Small items of
expenditure.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of accounts.

Taking evi-
dence at
inquests in
certain cases.

For taking evidence given at inquests in cases of death by accident occurring upon steam and street railways, a sum not exceeding twenty-seven hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

Chap. 48 AN ACT MAKING AN APPROPRIATION FOR AN ADDITIONAL BUILDING AT THE SOLDIERS' HOME IN MASSACHUSETTS.

Be it enacted, etc., as follows:

Additional
building at
the Soldiers'
Home in
Massachusetts.

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of constructing and furnishing an additional building for hospital purposes at the soldiers' home in Massachusetts, located at Chelsea, as authorized by chapter seventy-seven of the resolves of the year nineteen hundred and five, the same to be in addition to any amount heretofore appropriated for this purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

Chap. 49 AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE PUBLICATION OF THE PROVINCE LAWS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, for completing the preparation and publication

of the acts and resolves of the province of Massachusetts Bay, to wit: —

For the salary of the editor, the sum of eighteen hundred thirty-three dollars and thirty-three cents. Province laws, editor.

For the salary of the chief clerk, thirteen hundred and seventy-five dollars. Chief clerk.

For clerical service and a messenger, a sum not exceeding thirty-one hundred sixteen dollars and sixty-six cents. Clerical service, etc.

For stationery, postage, travelling and other expenses in connection with the preparation and publication of the province laws, a sum not exceeding one hundred and fifty dollars. Expenses.

For printing and binding such volumes as may be completed, a sum not exceeding twenty-five hundred dollars. Printing and binding.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1906.

AN ACT TO ENLARGE THE JURISDICTION OF THE LAND COURT. *Chap. 50*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and eighty-three of the Revised Laws is hereby amended by striking out the words "superior court for the county in which any part of such land or flats lies", in the second and third lines, and inserting in place thereof the words: — land court, — so as to read as follows: — *Section 1.* One or more persons who hold land or flats adjacent to or covered by high water may apply by petition to the land court for the settlement and determination of the lines and boundaries of their ownership in such flats. R. L. 188, § 1, amended.

Petition to compel supposed claimant to try title.

SECTION 2. Instead of appointing the commissioners authorized by section two of said chapter the court may in its discretion exercise the powers and duties of such commissioners. Court may exercise powers, etc., of commissioners.

SECTION 3. A petitioner for registration may in his petition request the court to proceed under said chapter concurrently with the registration proceedings, and the court may in its discretion comply with the request, if such compliance seems conducive to justice and the rights of all parties. Petitioner may request court to proceed, etc.

SECTION 4. This act shall not affect cases now pending in the superior court under said chapter. Not to affect pending cases.

Approved February 1, 1906.

Chap. 51 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

State board of health, secretary.

For the salary of the secretary of the state board of health, twenty-seven hundred and fifty dollars.

Expenses.

For the general work of the state board of health, including all necessary travelling expenses, a sum not exceeding sixteen thousand five hundred dollars.

Inspection of milk, food and drugs.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding eleven thousand four hundred fifty-eight dollars and thirty-three cents.

Examination of sewer outlets.

For expenses in connection with the examination of sewer outlets, a sum not exceeding eighty-two hundred and fifty dollars.

Distribution, etc., of antitoxin and vaccine lymph.

For expenses in connection with the production and distribution of antitoxin and vaccine lymph, a sum not exceeding ninety-one hundred sixty-six dollars and sixty-six cents.

Annual report.

For the printing and binding of the annual report, a sum not exceeding four thousand dollars.

Engineers, chemists, etc.

For services of engineers, chemists, biologists and other assistants, and for other expenses made necessary in protecting the purity of inland waters, a sum not exceeding thirty-two thousand eighty-three dollars and thirty-three cents.

Investigation as to sanitary conditions in factories, etc.

For continuing the investigation of conditions affecting the health and safety of employees in factories, workshops and other places of employment in the Commonwealth, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1906.

Chap. 52 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

For the salary of the attorney-general, forty-five hundred eighty-three dollars and thirty-three cents.

Attorney-general,
salary, etc.

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as may be deemed necessary in the discharge of his duties, and also for any other expenses in his department, a sum not exceeding thirty-six thousand six hundred sixty-six dollars and sixty-six cents.

Assistants, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1906.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY SINKING FUNDS.

Chap. 53

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to make good deficiencies in certain sinking funds, being the estimates of the treasurer and receiver general, to wit: —

Appropriations.

For the Harbor Improvement Loan Sinking Fund, the sum of thirty-seven hundred eighty-two dollars and sixty-three cents.

Harbor Improvement
Loan Sinking
Fund.

For the Metropolitan Parks Loan Sinking Fund, Series Two (one half), the sum of twenty-seven thousand five hundred twenty dollars and sixty-three cents.

Metropolitan
Parks Loan
Sinking Fund,
Series Two.

For the Medfield Insane Asylum Loan Sinking Fund, the sum of twenty-eight thousand nine hundred thirty-seven dollars and sixteen cents.

Medfield In-
sane Asylum
Loan Sinking
Fund.

For the Prisons and Hospitals Loan Sinking Fund, the sum of fifty-seven thousand five hundred and forty-eight dollars.

Prisons and
Hospitals
Loan Sinking
Fund.

For the State Highway Loan Sinking Fund, the sum of eighty-seven thousand five hundred eight dollars and twenty-eight cents.

State Highway
Loan Sinking
Fund.

For the State House Loans Sinking Fund, the sum of ninety-two thousand two hundred forty-five dollars and twenty-seven cents.

State House
Loans Sinking
Fund.

For the Massachusetts War Loan Sinking Fund, the sum of twenty-two thousand nine hundred thirty-four dollars and eighty-one cents.

Massachusetts
War Loan
Sinking Fund.

Technical Education Fund,
United States Grant.

For the income of the Technical Education Fund, United States Grant, the sum of thirty-two hundred and eighty-five dollars.

State highway serial bond.

To provide for the payment of a state highway serial bond, due April first, nineteen hundred and six, ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1906.

Chap. 54 AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES AND PENSIONS TO SOLDIERS AND OTHERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the Commonwealth to soldiers and others during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Annuities to soldiers, etc.

For annuities to soldiers and others, as authorized by the general court, the sum of fifty-one hundred and forty-six dollars.

Pensions.

For pensions authorized by the general court, the sum of five hundred and twenty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1906.

Chap. 55 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE BOARD OF INSANITY.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state board of insanity, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

State board of insanity, expenses.

For travelling, office and contingent expenses of the board, a sum not exceeding four thousand dollars.

Annual report.

For the printing and binding of the annual report, a sum not exceeding eight hundred and fifty dollars.

Officers and employees.

For the salaries of officers and employees, a sum not exceeding nineteen thousand eight hundred fifty dollars and forty-one cents.

For transportation and medical examination of state paupers under the charge of the board, a sum not exceeding eighty-two hundred and fifty dollars.

Transportation, etc., of state paupers.

For the support of insane paupers boarded out in families, under the charge of the board, or temporarily absent under authority of the same, a sum not exceeding thirty-two thousand eighty-three dollars and thirty-three cents.

Support of certain insane paupers.

For the board of insane persons in the Boston insane hospital, a sum not exceeding one hundred thousand three hundred and seventy-five dollars.

Board of insane persons in Boston insane hospital.

For the support of state paupers in the Hospital Cottages for Children, a sum not exceeding sixty-eight hundred and seventy-five dollars.

Support of certain state paupers.

For expenses in connection with the support of certain feeble-minded persons and children having settlement in certain small towns, a sum not exceeding thirteen hundred and seventy-five dollars.

Support of certain feeble-minded persons, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF CHARITY, AND FOR SUNDRY CHARITABLE EXPENSES. *Chap. 56*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Appropriations.

STATE BOARD OF CHARITY.

For expenses of the state board of charity, including travelling and other necessary expenses of members, and salaries and expenses in the board's central office, a sum not exceeding seventy-three hundred and thirty-five dollars.

State board of charity, expenses.

For salaries and expenses in the division of state adult poor, a sum not exceeding thirty-eight thousand one hundred dollars.

Adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding forty-two thousand five hundred dollars.

Minor wards.

**Auxiliary
visitors.**

For travelling and other necessary expenses of the auxiliary visitors of the state board of charity, a sum not exceeding twelve hundred dollars.

MISCELLANEOUS CHARITABLE.**Transporta-
tion of state
paupers.**

For transportation of state paupers, under charge of the state board of charity, including transportation of prisoners released on probation from the state farm, and travelling and other expenses of probation visitors, a sum not exceeding eleven thousand four hundred and sixty dollars.

**Indigent and
neglected
children, etc.**

For the care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with the same, a sum not exceeding two hundred ten thousand eight hundred and thirty-five dollars.

**Dangerous
diseases.**

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding twenty-two thousand nine hundred and fifteen dollars.

**Tuition of
certain
children, etc.**

For tuition in the public schools in any city or town in the Commonwealth, including transportation to and from such schools, of children boarded or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding twenty-six thousand dollars.

**Sick state
paupers.**

For the support of sick state paupers by cities and towns, for the present year and for previous years, the same to include cases of wife settlement, a sum not exceeding fifty-five thousand dollars.

**Burial of state
paupers.**

For the burial of state paupers by cities and towns, for the present year and for previous years, a sum not exceeding sixty-eight hundred and seventy-five dollars.

**Temporary
aid.**

For temporary aid rendered by cities and towns to state paupers and shipwrecked seamen, for the present year and for previous years, a sum not exceeding thirty-four thousand eight hundred and thirty-five dollars.

**Unsettled
pauper
infants.**

For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in infant asylums, a sum not exceeding fifty-seven thousand seven hundred and fifty dollars.

Annual report.

For the printing and binding of the annual report of the state board of charity, a sum not exceeding nineteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1906.

AN ACT MAKING AN APPROPRIATION FOR A DEFICIENCY IN THE
APPROPRIATIONS FOR THE SUPPORT OF PAUPER INFANTS DUR-
ING THE YEAR NINETEEN HUNDRED AND FIVE. *Chap. 57*

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty-one hundred eighty-two dollars and one cent is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses in the year nineteen hundred and five, in connection with the support of pauper infants, in excess of the appropriations therefor.

Support
of pauper
infants.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1906.

AN ACT TO AUTHORIZE THE TOWN OF SWAMPSCOTT TO PAY A
SUM OF MONEY TO AMOS O. CAHOON. *Chap. 58*

Be it enacted, etc., as follows:

SECTION 1. The town of Swampscott is hereby authorized to pay to Amos O. Cahoon, for damages sustained by the taking for park purposes, of property belonging to him, in the year eighteen hundred and ninety-six, the sum of seven hundred and sixty-four dollars, or such other sum, not exceeding that amount, as may be necessary to pay the claim of said Cahoon, together with interest from the date of such taking.

Town of
Swampscott
may pay a sum
of money to
Amos O.
Cahoon.

SECTION 2. This act shall be submitted to the voters of the town of Swampscott at an annual town meeting, and shall take effect upon its acceptance by a majority of the voters voting thereon.

When to take
effect.

Approved February 8, 1906.

AN ACT RELATIVE TO THE COMPENSATION OF THE JUDGES OF
PROBATE AND INSOLVENCY. *Chap. 59*

Be it enacted, etc., as follows:

SECTION 1. Any judge of probate and insolvency who assists another judge in the performance of his duties may receive compensation from him, if not entitled to receive it from the Commonwealth.

Compensation
of a judge of
probate, etc.,
in certain
cases.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1906.

Chap. 60 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE STATE BOARD OF AGRICULTURE, AND
FOR SUNDRY AGRICULTURAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —
Secretary of state board of agriculture, etc.	For the salary of the secretary of the state board of agriculture and executive officer of the state dairy bureau, twenty-seven hundred and fifty dollars.
First clerk.	For the salary of the first clerk of the secretary of the state board of agriculture, sixteen hundred and fifty dollars.
Second clerk.	For the salary of the second clerk of the secretary of the state board of agriculture, twelve hundred eighty-three dollars and thirty-three cents.
Clerical assistance.	For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding one hundred dollars.
Annual report.	For the printing and binding of the annual report of the state board of agriculture, a sum not exceeding fifty-eight hundred dollars.
Travelling expenses, etc.	For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding twelve hundred dollars.
Incidental expenses, etc.	For incidental and contingent expenses of the state board of agriculture, including printing and distributing extracts of trespass laws, a sum not exceeding nine hundred dollars.
Expenses of secretary.	For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding four hundred and fifty dollars.
Farmers' institutes.	For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding twenty-seven hundred and fifty dollars.
Bounties.	For bounties to agricultural societies, a sum not exceeding eighteen thousand six hundred dollars.
Agent of dairy bureau.	For the salary of the general agent of the dairy bureau, twelve hundred eighty-three dollars and thirty-three cents.
Experts, chemists, etc.	For the payment of assistants, experts, chemists and agents, and for other necessary expenses of the state dairy

bureau, to include the printing of the annual report, a sum not exceeding sixty-four hundred sixteen dollars and sixty-six cents.

For the compensation and expenses of state nursery inspectors, a sum not exceeding one thousand dollars. Nursery inspectors.

CATTLE BUREAU.

For the salary of the chief of the cattle bureau, sixteen hundred and fifty dollars. Chief of cattle bureau.

For the salary of the clerk of the chief of the cattle bureau, eleven hundred dollars. Clerk.

For travelling and other necessary expenses of the chief of the cattle bureau, including extra clerks and stenographers, stationery, and the printing and binding of the annual report, a sum not exceeding thirty-six hundred sixty-six dollars and sixty-six cents. Expenses.

For the compensation of inspectors of animals, a sum not exceeding sixty-eight hundred and seventy-five dollars. Inspectors of animals.

STATE FORESTER.

For the salary of the state forester, eighteen hundred thirty-three dollars and thirty-three cents. State forester.

For clerical assistance to, and incidental and contingent expenses of, the state forester, a sum not exceeding forty-five hundred eighty-three dollars and thirty-three cents. Clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY. Chap. 61

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts reformatory, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: — Appropriations. Massachusetts reformatory.

For the salaries of officers, a sum not exceeding seventy-six thousand four hundred and fifty dollars. Salaries of officers.

For the salaries and wages of instructors, teachers and other employees, a sum not exceeding twenty-three thousand eight hundred and thirty-three dollars. Instructors, teachers, etc.

Expenses.

For other current expenses, a sum not exceeding ninety-nine thousand three hundred and seventy dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1906.

Chap. 62 AN ACT MAKING AN APPROPRIATION FOR A DEFICIENCY IN THE APPROPRIATION OF THE YEAR NINETEEN HUNDRED AND FIVE FOR THE EXTERMINATION OF CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows:

**Extermination
of contagious
diseases
among
animals.**

SECTION 1. The sum of eleven thousand five hundred sixty dollars and twenty-four cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet certain expenses in the year nineteen hundred and five in connection with the extermination of contagious diseases among horses, cattle and other animals.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1906.

Chap. 63 AN ACT RELATIVE TO THE ESTABLISHMENT OF FIRE DEPARTMENTS IN SMALL TOWNS.

Be it enacted, etc., as follows:

**R. L. 82, § 49,
amended.**

**Fire depart-
ments in small
towns.**

SECTION 1. Section forty-nine of chapter thirty-two of the Revised Laws is hereby amended by inserting after the word "inhabitants", in the second line, the words: — or not less than five hundred inhabitants in towns the population of which does not exceed two thousand, — so as to read as follows: — *Section 49.* Fire departments may be established in districts which contain not less than one thousand inhabitants, or not less than five hundred inhabitants in towns the population of which does not exceed two thousand; and the officers thereof shall have charge of and be responsible for the apparatus for the extinguishment of fire therein, in the same manner as firewards and enginemen of towns.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1906.

AN ACT RELATIVE TO THE MASSACHUSETTS HOSPITAL FOR *Chap. 64*
EPILEPTICS LOAN.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and forty-four of the acts of the year nineteen hundred and five is hereby amended by adding the following section:— *Section 3.* The treasurer and receiver general is hereby authorized, with the approval of the governor and council, to designate seventy-five thousand dollars of the amount authorized by this act as Massachusetts Hospital for Epileptics Loan, instead of Prisons and Hospitals Loan.

1905, 444,
amended.

Massachusetts
Hospital for
Epileptics
Loan.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1906.

AN ACT TO AUTHORIZE THE PRESIDENT AND TRUSTEES OF *Chap. 65*
WILLIAMS COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. The proviso at the end of section four of the act establishing Williams College, passed on the twenty-fourth day of June in the year seventeen hundred and ninety-three, as amended by chapter thirty-nine of the acts of the year eighteen hundred and eighty-three, is hereby further amended by striking out the words "two hundred thousand", in the last line of the proviso, and inserting in place thereof the words:— one million,— so that the proviso will read as follows:— *Provided, nevertheless,* that the clear annual income of the same shall not exceed one million dollars.

1883, 39,
amended.

Williams Col-
lege may hold
additional
estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1906.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF SAVINGS *Chap. 66*
BANKS TO PROCEED AGAINST ANY FOREIGN BANKING ASSOCIATION OR CORPORATION WHEN INSOLVENT OR IN A HAZARDOUS CONDITION.

Be it enacted, etc., as follows:

SECTION 1. The provisions of section six of chapter one hundred and thirteen of the Revised Laws shall apply

Certain provi-
sions of law to
apply to for.

elg banking
associations,
etc.

to any foreign banking association or corporation located in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1906.

Chap. 67 AN ACT TO AUTHORIZE REGISTERS OF DEEDS TO ATTEST UN-
ATTESTED RECORDS.

Be it enacted, etc., as follows:

R. L. 22, § 12,
amended.

SECTION 1. Section twelve of chapter twenty-two of the Revised Laws is hereby amended by inserting before the word "shall", in the sixth line, the words:— any register, — and by inserting after the word "unattested", in the seventh line, the words:— by any former register, — so as to read as follows:— *Section 12.* If a register dies, is removed or if his term of office expires, and deeds or other instruments entered in his office are unrecorded, or records are unattested, or deeds or other instruments are recorded but unattested, his successor shall record and attest such unrecorded deeds or instruments conformably to the entry thereof, and any register shall attest such records, deeds and other instruments remaining unattested by any former register, agreeably to the facts and in conformity with the records and books of entry in the office.

New register
to record deeds
unrecorded by
his predecessor,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1906.

Chap. 68 AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN THE
APPROPRIATIONS FOR SUNDRY INSTITUTIONS FOR THE YEAR
NINETEEN HUNDRED AND FIVE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and five, to wit:—

Massachusetts
hospital for
epileptics.

For the Massachusetts hospital for epileptics, the sum of thirty-four hundred forty-eight dollars and eighty-nine cents.

Massachusetts
School for the
Feeble-
Minded.

For the Massachusetts School for the Feeble-Minded, the sum of sixty-three hundred seventy-eight dollars and twenty-four cents.

For the Massachusetts state sanatorium, the sum of twenty-four hundred twenty-three dollars and eighty-six cents. Massachusetts state sanatorium.

For the Medfield insane asylum, the sum of twenty-five thousand seven hundred thirty-six dollars and seventeen cents. Medfield insane asylum.

For the Taunton insane hospital, the sum of thirty-one thousand nine hundred ninety dollars and fifty-five cents. Taunton insane hospital.

For the Worcester insane hospital, the sum of eighteen thousand nine hundred ninety dollars and fifty-two cents. Worcester insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1906.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO BORROW MONEY FOR THE IMPROVEMENT OF DEACON'S POND.

Chap. 69

Be it enacted, etc., as follows:

SECTION 1. For the purpose of improving Deacon's Pond, so-called, in the town of Falmouth, said town is hereby authorized to borrow, within its statutory debt limit, money to an amount not exceeding ten thousand dollars, and to issue negotiable bonds, notes or scrip therefor, payable in periods not exceeding ten years from the date of issue. Such bonds, notes or scrip shall be denominated on the face thereof, Falmouth Pond Improvement Loan, Act of 1906, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when the vote to that effect has been passed the amount required therefor shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by the said town shall be extinguished, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. Except as otherwise provided herein the provisions of chap-

Town of Falmouth may borrow money to improve Deacon's Pond, etc.

Proviso.

Payment of loan.

ter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto shall apply to the indebtedness herein and to the securities issued therefor.

Town not to issue bonds until a certain sum has been appropriated from the treasury of the Commonwealth.

SECTION 2. No bonds shall be issued under the authority of this act until there has been appropriated from the treasury of the Commonwealth the sum of twenty-five thousand dollars, to be used for the improvement of said Deacon's Pond, which improvement shall be made under the direction of the board of harbor and land commissioners, and the money authorized by this act to be borrowed shall be expended by said board.

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 1906.

Chap. 70 AN ACT TO AUTHORIZE THE SPRINGFIELD INSTITUTION FOR SAVINGS TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, etc., as follows:

The Springfield Institution for Savings may hold additional real estate.

SECTION 1. The Springfield Institution for Savings, incorporated by an act passed in the year eighteen hundred and twenty-seven, is authorized to purchase and hold real estate in the city of Springfield to the amount of two hundred thousand dollars, in addition to the amount now authorized by law.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1906.

Chap. 71 AN ACT TO AUTHORIZE THE WORCESTER COUNTY INSTITUTION FOR SAVINGS TO HOLD ADDITIONAL REAL ESTATE IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

The Worcester County Institution for Savings may hold additional real estate.

SECTION 1. The Worcester County Institution for Savings, incorporated by chapter fifty of the acts of the year eighteen hundred and twenty-seven, approved on the eighth day of February, eighteen hundred and twenty-eight, is hereby authorized to invest a sum not exceeding two hundred and fifty thousand dollars of its deposits in the purchase of real estate in the city of Worcester, and the erection and preparation of a suitable building thereon, for the purposes stated in the eighth clause of section twenty-six of chapter one hundred and thirteen of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN INSPECTOR OF PROVISIONS, MILK, BUTTER, CHEESE AND VINEGAR FOR THE CITY OF SALEM. *Chap. 72*

Be it enacted, etc., as follows:

SECTION 1. The board of health of the city of Salem is hereby authorized to appoint an inspector of provisions, who shall also be the inspector of milk, butter, cheese and vinegar in that city. Upon the passage of this act such inspector shall be appointed to serve from the date of his appointment until the first Monday of February in the year nineteen hundred and seven; and after the current year he shall be appointed by said board annually in the month of January to serve for the term of one year beginning with the first Monday of February in the year of his appointment, and until his successor is appointed and qualified; but he may be removed by said board after a hearing of which he shall have at least forty hours' written notice, with a statement of the reasons for the contemplated removal. At the hearing he shall have the right to be present and to be represented by counsel. Any vacancy in the said office shall be filled by appointment as aforesaid for the unexpired term. The said inspector shall be sworn before entering upon his duties. He shall have the powers conferred and perform the duties imposed by law upon inspectors of milk, butter, cheese and vinegar in said city, and upon the inspectors of provisions therein, including all the powers conferred and duties imposed upon the board of health of said city by sections seventy, seventy-one, seventy-five and seventy-six of chapter fifty-six of the Revised Laws, and he shall perform such other duties as said board may assign to him. The provisions of section seventy-two of said chapter regarding the preventing, obstructing or interfering with the board of health in its duties shall, in said city, be held to apply to the preventing, obstructing or interfering with the said inspector of provisions in the performance of his duties. Said inspector shall receive such compensation as the city council of the city may determine.

Appointment of an inspector of provisions, etc., for the city of Salem.

Filling of vacancy.

Powers and duties.

Certain Provisions of law to apply.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1906.

Chap. 73 AN ACT RELATIVE TO SALES OF REAL ESTATE BY EXECUTORS
AND ADMINISTRATORS.

Be it enacted, etc., as follows:

R. L. 146, § 18,
amended.

Sale of real
property by
administrator,
etc., for
distribution.

SECTION 1. Section eighteen of chapter one hundred and forty-six of the Revised Laws, as amended by section one of chapter two hundred and seventeen of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "administrator", in the third line, the words:— administrator with the will annexed, or executor unless the will otherwise provides, — by striking out the word "intestate", in the sixth line, and inserting in place thereof the word:— deceased, — and by inserting after the word "administrator's", in the twelfth line, the words:— or executor's, — so as to read as follows:— *Section 18.* The probate court may, upon the petition of an administrator, administrator with the will annexed, or executor unless the will otherwise provides, with the consent of all parties interested or after notice, license him to sell the real property or any undivided interest therein belonging to the estate of the deceased in such manner and upon such notice as the court orders, for the purpose of distribution; and the net proceeds of such sale, after deducting the expenses thereof and such amount as may be required for the payment of debts in consequence of a deficiency in the personal property, shall, after two years from the time of the filing of the administrator's or executor's bond, be distributed to the persons who would have been entitled to said real property and in the proportions to which they would have been entitled had it not been sold.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1906.

Chap. 74 AN ACT TO AUTHORIZE THE CHICOPEE GAS LIGHT COMPANY
TO DO BUSINESS IN THE TOWN OF SOUTH HADLEY.

Be it enacted, etc., as follows:

The Chicopee
Gas Light
Company may
do business in
South Hadley.

SECTION 1. The Chicopee Gas Light Company is hereby authorized, upon the approval of the selectmen of the town of South Hadley and of the board of gas and electric light commissioners, to carry on the business of

furnishing gas for heat, light and power, in the said town; with the rights, powers and privileges and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1906.

AN ACT TO AUTHORIZE THE NORTH ADAMS GAS LIGHT COMPANY TO DO BUSINESS IN THE TOWNS OF MONROE, FLORIDA AND SAVOY.

Chap. 75

Be it enacted, etc., as follows:

SECTION 1. The North Adams Gas Light Company is hereby authorized to carry on the business of furnishing electricity for heat, light and power in the towns of Monroe, Florida and Savoy: *provided*, that before carrying on the said business in any of the said towns it shall obtain the consent thereto of the selectmen of that town. For the above purposes the said company shall have the rights, powers and privileges and shall be subject to the duties and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

The North Adams Gas Light Company may do business in certain towns. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1906.

AN ACT TO EXTEND THE TERMS OF OFFICE OF REGISTERS OF DEEDS.

Chap. 76

Be it enacted, etc., as follows:

Section three hundred and twenty of chapter eleven of the Revised Laws is hereby amended by striking out the word "three", in the second line, and inserting in place thereof the word: — six, — and by striking out the word "third", in the same line, and inserting in place thereof the word: — fifth, — so as to read as follows: — *Section 320.* At the annual state election in the year nineteen hundred and six, and in every fifth year thereafter, a register of deeds shall be chosen by the voters of each district for the registry of deeds, and of each county not divided into districts.

R. L. 11, § 320, amended.

Terms of office of registers of deeds.

Approved February 16, 1906.

Chap. 77 AN ACT TO READJUST A PART OF THE BOUNDARY LINE BETWEEN THE TOWN OF BELMONT AND THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Boundary line
between Cam-
bridge and
Belmont
readjusted.

SECTION 1. The boundary line between the city of Cambridge and the town of Belmont is hereby changed and established as follows: — Beginning at a point in the present boundary line between Belmont and Cambridge, said point being in the southwesterly line of Huron avenue near the entrance to the Belmont cemetery and distant southeasterly eighty-four and forty-five one hundredths feet from the stone monument numbered five in said boundary line; thence turning a right angle to said boundary line and bearing northeasterly forty-one and twenty-five one hundredths feet across said Huron avenue to a point in the fence line on the easterly side of said avenue; thence by the said easterly side of Huron avenue northwesterly fourteen feet to a point; thence on a curve of seventy-nine and four one hundredths feet radius, bearing to the right by said fence line seventy-five and sixty-four one hundredths feet to a point; thence tangent to the curve thirty-three and fifteen one hundredths feet to a point; thence on a curve of four hundred eighty-nine and seventy-seven one hundredths feet radius, bearing to the left by said fence line one hundred and seventy-eight feet to a point; thence still by said fence line and tangent to said curve northerly one hundred forty-six and seventy-six one hundredths feet to an angle point; thence, deflecting to the right two degrees fifty-six minutes thirty seconds, thirteen hundred twenty-four and seven tenths feet by a right line, in part by said fence line and in part across said Huron avenue near its junction with Washington street, to a point in the northerly line of Huron avenue, said point being distant easterly forty-two and seventy-five one hundredths feet from the stone monument numbered four on the present boundary line between Belmont and Cambridge. Said new boundary line is shown by a red line upon a plan drawn by F. H. Kendall, Engineer, dated January twenty-nine, nineteen hundred and six, entitled "Plan of proposed Change of Boundary Line between the City of Cambridge and the Town of Belmont", on file in the office of the secretary of the Commonwealth, and a copy of the same shall be filed by the

said town in the registry of deeds for the southern district of the county of Middlesex within thirty days after the passage of this act. All that part of the city of Cambridge between the lines above described and the present boundary line between said city and said town is hereby set off from the city of Cambridge and annexed to the town of Belmont.

SECTION 2. For the purpose of preserving the purity of the waters of Fresh pond the town of Belmont shall provide adequate and sufficient means for disposing of the surface water accumulating in that part of Huron avenue hereby annexed to said town, by means of catch basins and drain pipes substantially in the position and of the form and structure shown on the plan mentioned in section one of this act, and the work of building such catch basins and placing such drain pipes shall be performed in a manner satisfactory to the city engineer of the city of Cambridge. The said town may from time to time alter the grade of that part of Huron avenue hereto annexed according to the grade line shown on said plan, or according to such other grade line as may be agreed upon between the selectmen of the town of Belmont and the water board of the city of Cambridge.

Preservation of the purity of waters of Fresh pond.

Grade may be altered.

SECTION 3. The territory between the former boundary between said Belmont and Cambridge and the line hereby established shall be and remain a public way, and the city of Cambridge shall have the right in common with the town of Belmont, so far as may reasonably be necessary for the comfort, convenience or health of the inhabitants of the said city, to lay and maintain sewer, drain and water pipes, in and along said way, and to place and maintain in said way poles and wires for electric lighting; but the way shall be restored by the city of Cambridge, whenever disturbed by said city for any of the purposes aforesaid, to a condition as good as that in which it was before being so disturbed, as expeditiously as may be practicable and with as little hindrance as possible to public travel.

Certain territory to remain a public way, etc.

SECTION 4. The cost and expense incurred in establishing the lines hereby defined, and in erecting suitable monuments at the angles thereof, also all expenses of grading and resurfacing, and all expense and cost thereby caused to and upon the abutting land of the city of Cambridge shall be paid by the town of Belmont, and the work

Payment of cost of establishing new lines.

relating thereto shall be done in a manner satisfactory to the water board of said city and as shown on said plan.

SECTION 5. This act shall take effect upon its passage.

Approved February 16, 1906.

Chap. 78 AN ACT RELATIVE TO ASSESSMENT OF BETTERMENTS FOR THE CONSTRUCTION OF SEWERS AND DRAINS IN THE TOWN OF HYDE PARK.

Be it enacted, etc., as follows:

Assessment of betterments for construction of sewer, etc., in Hyde Park.

SECTION 1. The selectmen of the town of Hyde Park within one year after the date of the passage of this act may determine the value of the benefit or advantage to every parcel of real estate in said town beyond the general advantage to all real estate therein from the construction within six years before said date of sewers and sewerage works, or for the doing of any other work authorized by the provisions of chapter two hundred and eighty-seven of the acts of the year eighteen hundred and ninety-six, and may assess on every such parcel a proportional share of such part, not exceeding one half, as the board shall deem just, of the expenses incurred by the town for the improvements aforesaid: *provided, however*, that no assessment on any parcel of real estate shall exceed the value of said benefit for that parcel, and that no parcel of real estate for which any assessment on account of any such improvement shall have been paid and not recovered back shall be subject to the payment of another assessment for that improvement; and *provided, further*, that no land within any location of a railroad company shall be subject to such assessment. If said selectmen shall make, under the provisions of this act, a new assessment for any such improvement, any person on whose real estate a prior assessment on account of such improvement has been made and has not been wholly paid, or has been paid under protest and a suit, brought within three months after the payment for recovery thereof, be pending, may file with the selectmen an application for a revision of the prior assessment, and the selectmen shall, if necessary to make the prior assessment conform to the new assessment, revise and reduce the amount thereof, and give a certificate for payment of any part of a prior assessment paid under protest, or remit any unpaid excess of a prior assessment over the amount of the new assessment; and the town

Proviso.

Proceedings when new assessment is made.

treasurer shall repay any amount authorized by the certificate from the appropriation from which said expenses were paid.

SECTION 2. The provisions of said chapter two hundred and eighty-seven, so far as they are applicable and not inconsistent herewith, shall apply to assessments made under this act or made before its passage; but petitions under said act on account of assessments made before the passage of this act may be filed only within one year after the passage of this act.

Certain provisions of law to apply.

SECTION 3. No assessment shall hereafter be made, either under the provisions of this act or under the provisions of chapter two hundred and eighty-seven of the acts of the year eighteen hundred and ninety-six, upon any land which, by reason of its grade or level, or any other cause, cannot be drained into a sewer already constructed, until such incapacity is removed, and in no case shall an assessment be made, under the provisions of this act or under the provisions of said chapter two hundred and eighty-seven, that exceeds the special benefit received by the estate assessed.

Assessments not to be made upon land which cannot be drained, etc.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR *Chap. 79*
INDEBTEDNESS FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, for the purposes specified in chapter two hundred and forty-seven of the acts of the year eighteen hundred and ninety-two, may incur indebtedness outside its statutory debt limit, to an amount not exceeding one hundred thousand dollars, and may, from time to time, issue bonds, notes or scrip therefor, to be denominated on the face thereof, Brockton Sewerage Loan, 1906, signed by the mayor and city treasurer, and bearing such rate of interest, not exceeding four per cent per annum, as the city council may determine. The city shall provide for the payment of such indebtedness by such annual proportionate payments as will extinguish the debt at maturity. The sinking fund of any loan of the city may be invested therein.

Brockton Sewerage Loan, 1906.

Annual proportionate payments.

SECTION 2. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws

R. L. 27, etc., to apply.

and all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 80 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Brockton
Water Loan,
Act of 1906.

SECTION 1. For the purposes named in chapter one hundred and twenty-four of the acts of the year eighteen hundred and seventy-eight, the city of Brockton may issue, from time to time, notes, bonds or scrip, signed by its treasurer and countersigned by its mayor, to be denominated on the face thereof, Brockton Water Loan, Act of 1906, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized to be issued by the town or city of Brockton for the same purposes. Such notes, bonds or scrip shall be issued upon the terms and conditions and with the provisions specified in said act for the issue of the water loan for the town of Brockton: *provided*, that the whole amount of notes, bonds or scrip issued by said town and city shall not exceed one million one hundred and twenty thousand dollars; and *provided*, that no part of the proceeds of the sale of said notes, bonds or scrip shall be used in payment of running expenses.

Provisos.

Not to be
included in
determining
debt limit.

SECTION 2. Such notes, bonds or scrip shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, but the same shall not be reckoned in determining the statutory limit of indebtedness of the city.

When to take
effect.

SECTION 3. This act shall take effect upon its acceptance by a vote of two thirds of all the members of each branch of the city council of said city.

Approved February 17, 1906.

Chap. 81 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO INCUR
ADDITIONAL INDEBTEDNESS FOR THE IMPROVEMENT OF ITS
WATER WORKS.

Be it enacted, etc., as follows:

1900, 805, § 1,
amended.

SECTION 1. Section four of chapter one hundred and eighty-five of the acts of the year eighteen hundred and

ninety-two, as amended by chapter ninety-one of the acts of the year eighteen hundred and ninety-four, and by section one of chapter one hundred and fourteen of the acts of the year eighteen hundred and ninety-six, and by section one of chapter three hundred and five of the acts of the year nineteen hundred, is hereby further amended by striking out the word "three", in the eighth line, and inserting in place thereof the word:—four,— by striking out the word "six", in the thirteenth line, and inserting in place thereof the word:—four,— and by inserting after the word "loans", in the twenty-fourth line, the words:—which shall bear interest at a rate not exceeding five per cent per annum,— so as to read as follows:—*Section 4.* The said city may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, and for the purpose of paying the necessary expenses and liabilities to be incurred in other extensions and improvements of the water works of said city, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate four hundred thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Pittsfield Water Loan, Act of 1892, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. Said city shall provide for the payment upon account of the principal sum incurred for the construction and maintenance of its water works, not less than the sum of four thousand dollars in each and every year next after the first day of April in the year eighteen hundred and ninety-three, in addition to the sums now required to be paid thereon each year by said city by the provisions of section three of chapter three hundred and forty of the acts of the year eighteen hundred and eighty-five, until all of said debt, both principal and interest, is fully paid and extinguished. The said city may authorize temporary loans, which shall bear interest at a rate not exceeding five per cent per annum, to be made by its mayor and treasurer in anticipation of the issue of bonds, notes and scrip hereby authorized, or in anticipation of the payments to be made.

Pittsfield
Water Loan,
Act of 1892.

Temporary
loans may be
authorized.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 82 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit:—

Engineer's department.

For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding twenty-five thousand three hundred ninety-one dollars and sixty-six cents.

Watchmen, etc.

For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding thirteen thousand three hundred eighty-three dollars and thirty-three cents.

Messengers, porters, etc.

For the salaries of the sergeant-at-arms' messengers, porters and office boy at the state house, a sum not exceeding ninety-four hundred forty-one dollars and sixty-six cents.

Telephones.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding sixty-three hundred dollars.

Heat, light, etc.

For heat, light and power at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding thirty-five thousand dollars.

Care of state house, etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings now occupied by state departments, a sum not exceeding twenty-two thousand dollars.

New furniture, etc.

For new furniture and fixtures, a sum not exceeding thirty-six hundred sixty-six dollars and sixty-six cents.

State house matron.

For the salary of the state house matron, a sum not exceeding seven hundred thirty-three dollars and thirty-three cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT TO CONFIRM THE TITLE OF THE FIRST BAPTIST CHURCH OF VINEYARD HAVEN TO CERTAIN PROPERTY. *Chap. 83*

Be it enacted, etc., as follows:

SECTION 1. The property conveyed to the First Baptist Church of Vineyard Haven by a deed signed by Alfred H. Look, on behalf of the First Baptist Church and Society of Tisbury, on the tenth day of February in the year nineteen hundred and five, is hereby confirmed and made valid, and the title of the said First Baptist Church of Vineyard Haven to said property is hereby confirmed.

Title of the First Baptist Church of Vineyard Haven to certain property confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WORCESTER INSANE ASYLUM. *Chap. 84*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Worcester insane asylum, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of sixty-six hundred ninety-two dollars and twenty cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred thirty-two thousand nine hundred fifty-six dollars and thirty-six cents.

Worcester insane asylum.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MASSACHUSETTS STATE SANATORIUM. *Chap. 85*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Massachusetts state sanatorium, during the three months ending on the thirty-first day of March, nineteen hundred and six.

Massachusetts state sanatorium.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 86 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF
THE DANVERS INSANE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Danvers insane hospital, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Danvers insane hospital.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of fifty-three thousand one hundred ninety-eight dollars and twenty cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred ninety-one thousand two hundred eleven dollars and thirty-seven cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 87 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF
THE NORTHAMPTON INSANE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Northampton insane hospital, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Northampton insane hospital.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of nineteen thousand eight hundred eighty-seven dollars and eleven cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred eighteen thousand five hundred thirty-six dollars and eighty-nine cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 88 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF
THE STATE COLONY FOR THE INSANE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the state colony

for the insane, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

From the receipts of the said colony now in the treasury of the Commonwealth, the sum of eighteen hundred eighty-three dollars and ninety-eight cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding fifty-seven thousand three hundred sixteen dollars and two cents.

State colony
for the insane.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS. *Chap. 89*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, the same to include the printing and binding of their annual report, a sum not exceeding eleven hundred dollars.

Lyman and industrial schools, expenses of trustees.

For salaries and expenses of such agents as the said trustees may find necessary to employ, a sum not exceeding eighty-two hundred and fifty dollars.

Agents.

For expenses in connection with boarding out children from the Lyman school for boys, under the authority of the said trustees, a sum not exceeding five thousand dollars.

Boarding out children.

For expenses in connection with the care of probationers from the state industrial school, to include the boarding out and other expenses of girls on probation, under the authority of the said trustees, a sum not exceeding ten thousand two hundred and twenty-one dollars.

Care of probationers.

For instruction in the public schools in any city or town of the Commonwealth of children boarded out or bound out by the said trustees, a sum not exceeding seven hundred and fifty dollars.

Instruction in public schools.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 90 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE FARM.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

State farm, salaries.

For the payment of salaries at the state farm, a sum not exceeding fifty-six thousand eight hundred and thirty-four dollars.

Expenses.

For other current expenses at the state farm, including the printing of the annual report of the institution, a sum not exceeding one hundred forty-nine thousand four hundred and sixteen dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 91 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state industrial school for girls, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Industrial school for girls, salaries.

For the payment of salaries, a sum not exceeding twenty thousand ninety-one dollars and eighty-four cents.

Expenses.

For other current expenses, a sum not exceeding twenty-six thousand eight hundred and forty-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 92 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE
OF THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

Massachusetts hospital for epileptics.

SECTION 1. A sum not exceeding one hundred twenty-five thousand three hundred and thirty-five dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Massachusetts hospital for epileptics, for the

eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE
OF THE FOXBOROUGH STATE HOSPITAL. Chap. 93

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding sixty-two thousand nine hundred twenty-seven dollars and thirty-three cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Foxborough state hospital, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE
OF THE TAUNTON INSANE HOSPITAL. Chap. 94

Be it enacted, etc., as follows:

SECTION 1. The sum of two hundred one thousand three hundred eighteen dollars and fifty-three cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Taunton insane hospital, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE HOSPITAL. Chap. 95

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state hospital, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

For the payment of salaries and wages, a sum not exceeding fifty-five thousand dollars.

Expenses.

For other current expenses, including the printing and binding of the annual report of the institution, a sum not exceeding one hundred sixty-four thousand four hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 96 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School for the Feeble-Minded, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Massachusetts School for the Feeble-Minded.

For the maintenance of the said school, a sum not exceeding one hundred eighty-four thousand seven hundred sixty-one dollars and thirty-nine cents.

City of Waltham.

For the city of Waltham, for the annual assessment due from the Commonwealth toward maintaining and operating a system of sewage disposal at the said school, the sum of eight hundred twenty dollars and eighty-nine cents, as provided for in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap. 97 AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MEDFIELD INSANE ASYLUM.

Be it enacted, etc., as follows:

Medfield insane asylum.

SECTION 1. A sum not exceeding two hundred fifty-three thousand three hundred thirty-one dollars and fifty-one cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Medfield insane asylum, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE WESTBOROUGH INSANE HOSPITAL. *Chap. 98*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid for the maintenance of the Westborough insane hospital, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

From the receipts of said hospital now in the treasury of the Commonwealth, the sum of sixty-three hundred eighteen dollars and nine cents, and from the treasury of the Commonwealth from the ordinary revenue, a sum in addition not exceeding one hundred seventy-nine thousand one hundred thirty-two dollars and eighty-nine cents.

Westborough insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WORCESTER INSANE HOSPITAL. *Chap. 99*

Be it enacted, etc., as follows:

SECTION 1. The sum of two hundred thirty-eight thousand seven hundred eighty-six dollars and five cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Worcester insane hospital, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

Worcester insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS. *Chap. 100*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Lyman school for boys, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

For the payment of salaries, a sum not exceeding thirty-two thousand five hundred ten dollars and forty-six cents.

Lyman school for boys, salaries.

Expenses.

For other current expenses, a sum not exceeding fifty thousand five hundred forty-one dollars and sixty-six cents.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap.101 AN ACT TO RATIFY AND CONFIRM CERTAIN PROCEEDINGS OF THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH OF MELROSE.

Be it enacted, etc., as follows:

Certain proceedings of the Trustees of the Methodist Episcopal Church of Melrose confirmed.

SECTION 1. The proceedings of the meeting of incorporation of the Trustees of the Methodist Episcopal Church of Melrose, now called The First Methodist Episcopal Church of Melrose, a corporation organized under chapter thirty of the General Statutes of the Commonwealth, shall not be invalid by reason of the failure of the said incorporators, or of the town clerk of the town of Melrose, in which town the house of worship of said corporation was situated, to comply with the provisions of sections twenty-nine and forty-six of said chapter, whereby the incorporators were required to leave with the town clerk, within ten days after the meeting, an attested copy of the record of the proceedings at the meeting, and the town clerk was required to record the same. And such failure shall not invalidate any conveyance of property, real or personal, either by or to said corporation, and all acts done by said corporation since its incorporation are hereby ratified and confirmed.

Certain acts ratified, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

Chap.102 AN ACT RELATIVE TO THE LOCATION OF THE NORTH END SAVINGS BANK IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Location of the North End Savings Bank may be changed.

SECTION 1. Section one of chapter twenty-four of the acts of the year eighteen hundred and seventy, as amended by chapter seventy-eight of the acts of the year eighteen hundred and seventy-two, is hereby further amended so that said bank may be located northerly of Berkeley and Dover streets in the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1906.

AN ACT RELATIVE TO THE RATE OF TAXATION IN THE CITY *Chap.103*
OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter seventy-one of the acts of the year nineteen hundred and four is hereby amended by striking out the words "thirteen dollars in the year nineteen hundred and six", in the eighth and ninth lines, and inserting in place thereof the words:— and fifteen dollars in the years nineteen hundred and six, nineteen hundred and seven, nineteen hundred and eight, nineteen hundred and nine and nineteen hundred and ten, —so as to read as follows:— *Section 1.* The taxes assessed on property in the city of Brockton, exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed, on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, fifteen dollars in the year nineteen hundred and four, fourteen dollars in the year nineteen hundred and five and fifteen dollars in the years nineteen hundred and six, nineteen hundred and seven, nineteen hundred and eight, nineteen hundred and nine and nineteen hundred and ten; the said valuation being first reduced by the amount of all abatements thereon previous to the thirty-first day of December in the year preceding said assessments, subject to all the provisions contained in section fifty-four of chapter twelve of the Revised Laws.

1904, 71, § 1,
amended.

Taxes in the
city of Brock-
ton not to
exceed a cer-
tain rate.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1906.

AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE *Chap.104*
SALE OF INTOXICATING LIQUORS BY CERTAIN HOTELS IN THE
VICINITY OF PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-five of chapter one hundred of the Revised Laws is hereby amended by adding at the end thereof the following words:— nor shall the provisions of this section prevent the granting of such a license to be exercised in any hotel on the same street as, and having its bar more than four hundred feet from, a building occupied in whole or in part by a public school: *provided*, that there is no public bar in such hotel, — so as

R. L. 100, § 35,
amended.

License in
premises near
a public school
building
regulated.

to read as follows: — *Section 35.* No license of the first, second or third class shall be granted for the sale of intoxicating liquors in any building or place on the same street as, and within four hundred feet of, any building occupied in whole or in part by a public school; but the provisions of this section shall not prevent the granting of such license to be exercised on premises fitted up and occupied as a place for selling liquor under a license and by a licensee of a corresponding class of the preceding year although said premises are within four hundred feet of a building used temporarily in whole or in part for school purposes, if such use will cease permanently within one year after the granting of said license; nor shall the provisions of this section prevent the granting of such a license to be exercised in any hotel on the same street as, and having its bar more than four hundred feet from, a building occupied in whole or in part by a public school: *provided*, that there is no public bar in such hotel.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1906.

Chap.105

AN ACT RELATIVE TO THEATRES.

Be it enacted, etc., as follows:

R. L. 104, §§ 86
and 37; 1904,
450; 1905, 542,
not to apply in
certain cases.

SECTION 1. The provisions of sections thirty-six and thirty-seven of chapter one hundred and four of the Revised Laws, and of chapter four hundred and fifty of the acts of the year nineteen hundred and four, as amended by chapter three hundred and forty-two of the acts of the year nineteen hundred and five, shall not apply to halls, rooms, buildings or parts of buildings in cities and towns outside of Boston which are used for occasional public gatherings, or for the occasional presentation of dramatic, operatic or other performances for the entertainment of spectators, provided such halls, rooms, buildings and parts of buildings are not used principally for theatrical performances.

Inspection of
buildings, etc.

Such halls, rooms, buildings or parts of buildings, shall be inspected at least twice annually, by the district police, and shall not be used for the purposes above specified until they are placed in a condition satisfactory to the inspection department of the district police, and a license for such use has been issued by the chief of the district police, and posted in a conspicuous place in such hall, room or building.

SECTION 2. If any inspector shall report that the statutes of the Commonwealth or the conditions of the district police are not complied with by any licensee, it shall be the duty of the licensing officer to notify the licensee, fixing a time within which he shall comply with such statutes or conditions. If, at the expiration of such time, there has not been such compliance, the licensing officer shall give a hearing to the licensee, and if, upon investigation he shall find that there is cause, he shall revoke the license. The licensing officer shall have power, if in his opinion the public safety requires it, to order any hall, room, building or part of a building which is subject to the provisions of this act, to be closed pending a hearing upon the revocation of the license for such building; and any person failing to comply with such order may be punished by a fine not exceeding one thousand dollars.

Licensee to be notified, etc.

Licensing officer may close certain buildings.

SECTION 3. The chief of the district police may suspend any such license upon failure to comply with any orders given in writing by him relating to the condition or use of such halls, rooms, buildings or parts of buildings.

License may be suspended.

SECTION 4. Whoever is aggrieved by any order or decision of the licensing officer may apply to a judge of the superior court sitting in equity for the county in which the building affected by such order or decision is situated for the appointment of a board of three disinterested persons to examine the premises and hear the parties and render a decision in writing and under oath, to be filed in the office of the clerk of courts in said county within ten days after such hearing, and the majority of said board shall decide whether the whole or a part of the order or requirement shall be complied with, and the licensing officer shall make his order or decision conform to the decision of the said board of appeal. If the decision is not unanimous the dissenting member of the board shall file a written statement of his reasons under oath. The compensation of the members of such board of appeal and the taxation of costs in such cases shall be governed by sections twenty and twenty-one of chapter one hundred and four of the Revised Laws.

Superior court to have jurisdiction.

Compensation of members of board of appeal.

SECTION 5. Any court having equity jurisdiction may, upon the application of the licensing officer, enforce, by any suitable process or decree, the provisions of this act and any order or requirement of any person made by authority of this act.

Enforcement of decree.

Police courts,
etc., to have
jurisdiction.

SECTION 6. Police, district and municipal courts shall have jurisdiction of prosecutions and proceedings at law under the provisions of this act, concurrently with the superior court.

SECTION 7. This act shall take effect upon its passage.

Approved February 21, 1906.

Chap.106 AN ACT TO AUTHORIZE THE SPRINGFIELD GAS LIGHT COMPANY TO DO BUSINESS IN THE TOWN OF LUDLOW.

Be it enacted, etc., as follows:

The Spring-
field Gas
Light Com-
pany may do
business in
Ludlow.

SECTION 1. The Springfield Gas Light Company is hereby authorized, upon the approval of the legal voters of the town of Ludlow at a meeting called for the purpose, and of the board of gas and electric light commissioners, to carry on the business of furnishing gas for heat, light and power in the said town; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force applicable to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1906.

Chap.107 AN ACT RELATIVE TO THE ADMISSION OF CHILDREN TO PLACES OF AMUSEMENT.

Be it enacted, etc., as follows:

R. L. 102, § 184,
amended.

Admission of
children to
places of
amusement
regulated.

Section one hundred and eighty-four of chapter one hundred and two of the Revised Laws is hereby amended by striking out the words "the chief of police", in the fifth line, and inserting in place thereof the words: — any police officer, — so as to read as follows:— *Section 184.* Whoever, himself or by his servant or agent, admits a child under the age of thirteen years to any licensed public show or place of amusement, unless said child is accompanied by a person over the age of twenty-one years, shall, on complaint of a parent or guardian of said child or of any police officer or a truant officer of the city or town in which said child is so admitted, be punished by a fine of not more than one hundred dollars; but the provisions of this section shall not apply to shows and amusements which take place before sunset.

Approved February 21, 1906.

AN ACT TO AUTHORIZE TOWNS IN THE COUNTY OF BARNSTABLE TO APPROPRIATE AND CONTRIBUTE MONEY FOR THE ERECTION OF THE PILGRIM MEMORIAL MONUMENT AT PROVINCETOWN. Chap.108

Be it enacted, etc., as follows:

SECTION 1. Any town in the county of Barnstable may appropriate a sum not exceeding five hundred dollars, and contribute the same to the fund for the erection of the Pilgrim memorial monument at Provincetown. Towns in Barnstable county may contribute to Pilgrim memorial monument.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1906.

AN ACT TO ESTABLISH THE SALARY OF THE EXECUTIVE MESSENGER OF THE GOVERNOR AND COUNCIL. Chap.109

Be it enacted, etc., as follows:

SECTION 1. The salary of the executive messenger of the governor and council shall be twelve hundred dollars a year, to be so allowed from the first day of January in the year nineteen hundred and six. Salary of executive messenger.

SECTION 2. So much of section one of chapter five hundred and twenty-three of the acts of the year nineteen hundred and two as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved February 23, 1906.

AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES, BEYOND THE STATUTORY LIMIT. Chap.110

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly, for the purpose of improving and extending its system of sewerage and sewage disposal, may from time to time issue and sell negotiable notes or bonds to an amount not exceeding two hundred thousand dollars, to be denominated on the face thereof, Beverly Sewerage Loan, Act of 1906, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually. Beverly Sewerage Loan, Act of 1906.

SECTION 2. Such notes or bonds shall be payable within such periods, not exceeding thirty years from the dates of issue, as the city council shall from time to time determine, and shall be issued in accordance with the provi- Payment of loan, etc.

sions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto, except that they shall not be reckoned in determining the statutory limit of indebtedness of the city.

To provide for
annual pay-
ments.

SECTION 3. The city council of the city shall, at the time of authorizing the whole or any part of said loan, provide for the payment of so much thereof as may then be authorized, in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and without further action by the city council the amount required for such payments shall annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the debt incurred hereunder shall have been extinguished.

SECTION 4. This act shall take effect upon its passage.

Approved February 24, 1906.

Chap. 111 AN ACT TO AUTHORIZE THE CITY OF SALEM TO MAKE AN
ADDITIONAL SEWERAGE LOAN.

Be it enacted, etc., as follows:

Salem sewer-
age loan.

SECTION 1. The city of Salem, for the purpose of completing the work of constructing a main trunk sewer, pumping station and harbor outfall, as authorized by chapter three hundred and fifty-three of the acts of the year nineteen hundred and one and by chapter three hundred and twelve of the acts of the year nineteen hundred and four, may from time to time issue bonds, notes or scrip to an amount not exceeding in the aggregate seventy-five thousand dollars, the same to be in addition to the four hundred thousand dollars which said city is authorized by said chapter three hundred and fifty-three to issue for the said purposes. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by

When payable.

the mayor. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest at a rate not exceeding four per cent per annum, and shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities at public sale or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold or pledged for less than their par value. The said city shall at the time of authorizing

Sale of
securities.

Proviso.

the said loan vote to provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further vote annually be assessed by the assessors of the city, in the same manner in which other taxes are assessed, until the said debt shall be extinguished.

To provide for annual payments.

SECTION 2. The sum of one hundred and fifty thousand dollars required to be paid by the town of Peabody to the city of Salem by section two of chapter three hundred and twelve of the acts of the year nineteen hundred and four shall, when received by the city, be used for the payment of the principal and interest of bonds, notes or scrip issued under chapter three hundred and fifty-three of the acts of the year nineteen hundred and one, for the payment of the principal and interest of bonds, notes or scrip issued under the provisions of section one of this act, and for the construction of sewers in said city, or for any one or more of said purposes, but for no others.

The part of cost of sewer to be paid by the town of Peabody to be applied toward payment of loan.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1906.

AN ACT TO AUTHORIZE THE CITY OF LYNN TO CHANGE AND REARRANGE ITS WARD AND PRECINCT LINES.

Chap. 112

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn is hereby authorized, by vote of its city council, to change and rearrange the ward and precinct lines of the city, in such a manner as to bring the boundaries of the wards and precincts, so far as may be practicable, in the middle of streets.

The city of Lynn to rearrange ward and precinct lines.

SECTION 2. The new boundaries to be established under authority of this act shall be in force and effect for all purposes on and after the first day of May in the year nineteen hundred and six.

When to take effect.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1906.

AN ACT RELATIVE TO THE MEMBERSHIP ON THE BOARD OF TRUSTEES OF THE ROXBURY LATIN SCHOOL.

Chap. 113

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-four of the acts of the year seventeen hundred and eighty-eight, being the act ap-

1788, 34, amended.

proved January 23d, 1789, entitled "An Act for incorporating certain persons therein named, by the name of the trustees of the grammar school, in the easterly part of the town of Roxbury, and for repealing all the laws heretofore made for that purpose", is hereby amended as follows:—

Fixing the number of trustees of the Roxbury Latin School.

First. By striking out the words "not at any one time", "more than", and "nor less than nine", in the paragraph beginning with the words "That the number of", and ending with the words "come before them", so that the paragraph will read as follows:— That the number of the said trustees shall consist of thirteen, five of whom shall constitute a quorum for transacting business, and a major part of the members present at any stated meeting thereof shall decide all questions that may properly come before them.

Second. By striking out the words "And to perpetuate the succession of the said trustees, Be it further enacted by the authority aforesaid, that as often as one or more of the said trustees, shall die, resign, remove, or in the judgment of the major part of the said trustees for the time being, be rendered by age, infirmity or otherwise incapable of discharging the duties of his office, then and so often the remaining part of the trustees then surviving, or the major part of them, at some stated meeting, shall elect by ballot, one or more persons, being reputable freeholders in the town of Roxbury aforesaid, to supply such vacancy or vacancies: *Provided always*, that the minister and the two oldest deacons of the first Church of Christ in the said town of Roxbury, shall always, by virtue of their said offices, be members of the said corporation".

Certain persons to be members of the corporation ex-officio.

SECTION 2. The minister and the two oldest deacons in length of service of the first Church of Christ in that part of Boston formerly the said town of Roxbury, incorporated as the First Religious Society in Roxbury under chapter one hundred and thirty-three of the acts of the legislative year eighteen hundred and twenty-four, approved February 26th, 1825, shall always by virtue of their said offices be members of the said corporation. Each of the other members of said corporation in office when this act takes effect shall remain such member until he shall die, resign, or in the judgment of the major part of the trustees for the time being be rendered by age, in-

firmity or otherwise, incapable of discharging the duties of his office. Any vacancies existing when this act takes effect, and any which may thereafter occur among the members then in office, other than the aforesaid minister and two deacons, shall be filled by the election by the board of members from nominations by the graduates of said school, as hereinafter provided, until five members have so been elected, and thereafter the said ten members other than the aforesaid minister and two deacons shall be elected by the board, five being elected from nominations by the graduates of said school and the other five members from the residents of the territory formerly constituting the town of Roxbury. The five members elected from nominations by the graduates of said school shall hold office for a term of five years, except as hereinafter provided, and the five other members shall hold office until they die or resign: *provided*, that, whenever in the judgment of the major part of the whole number of trustees for the time being any of said ten members shall be rendered by age, infirmity or otherwise, incapable of discharging the duties of his office, then and so often the remaining part of the trustees, or the major part of them, may declare his office vacant. All vacancies, from whatever cause arising, shall be filled in the manner provided for the election of the member whose office has become vacant.

Filling of vacancies.

Term of office of trustees.

Proviso.

The five members to be elected from nominations by the graduates of said school shall be elected as follows: — Within thirty days after the time when this act takes effect, if there then be any vacancy in said board of trustees, and thereafter whenever vacancies occur which are to be filled from nominations by the graduates, within thirty days after the occurrence of such vacancy, the secretary of the trustees shall call a meeting to be held in Boston not less than sixty or more than ninety days after the time when this act takes effect, or after the occurrence of such vacancy, as the case may be, of the graduates of said school of five or more years' standing. Notice of such meeting shall be given by mail to all of such graduates whose addresses are known to the secretary. At such meeting a chairman and secretary shall be chosen, and said secretary shall keep and transmit to the trustees a record of the proceedings of the meeting, attested by him, which the secretary of the trustees shall enter on his rec-

Election of certain trustees.

Record of proceedings to be kept.

ords. Such of said graduates as are present at that meeting shall select from the whole number of graduates of more than five years' standing, a committee of three, who shall nominate in writing to the trustees three times as many of the graduates of the school of more than five years' standing as there are vacancies to be filled from nominations by the graduates, and from such nominations the trustees shall elect one for every such vacancy. Each graduate so elected shall hold office for five years or until his successor shall be elected: *provided*, that the term of any graduate elected to fill an unexpired term shall be limited to that term. The election of trustees of either class shall be by ballot at some stated meeting.

Term of
office.

Proviso.

When to take
effect.

SECTION 3. This act shall take effect when accepted by a majority of the trustees in office, on behalf of said corporation, at a meeting held within one year after its passage. The secretary of said corporation shall forthwith upon such acceptance record in the registry of deeds for the county of Suffolk a copy of the vote of acceptance, with a certificate of its adoption by the trustees as herein required, and the date of its adoption, duly verified by him.

Approved February 26, 1906.

Chap. 114 AN ACT TO AUTHORIZE THE SUMMER STREET FIRE COMMITTEE, SO-CALLED, TO TRANSFER ITS FUNDS AND PROPERTY TO THE MASSACHUSETTS CHARITABLE FIRE SOCIETY.

Be it enacted, etc., as follows:

The Summer
Street Fire
Committee
may transfer
its funds, etc.

SECTION 1. Marquis F. Dickinson of Brookline, Otis Norcross, Grenville H. Norcross, William H. Hart and Francis H. Brown, all of Boston, executive committee of the Summer Street Fire Fund, which was raised for the relief of sufferers in the great Boston fire of November 9, 1872, are hereby authorized to transfer, assign, set over and convey all the funds and property held by them as such executive committee, to the Massachusetts Charitable Fire Society, incorporated June 25, 1794, by chapter sixteen of the acts of that year; and said Massachusetts Charitable Fire Society is hereby authorized to receive and accept, hold, manage, use and dispose of the same as the trustees of said society may from time to time deem best for the fulfillment of the charitable purposes of said society, subject however to the provisions of section two of this act. The funds and property so received shall be

held by said society separately from all other funds and property, and shall be designated, The Summer Street Fire Relief Fund. The Summer Street Fire Relief Fund.

SECTION 2. The income of the funds and property which shall thus be transferred, assigned, set over and conveyed to the Massachusetts Charitable Fire Society shall from time to time be applied by said society, in its discretion, to aid worthy and needy mechanics and artisans, resident in Boston, who have lost the tools of their trade by fire. If in any year the whole income of the fund shall not be required for this purpose the surplus of income during such year shall either be added to the principal of the fund or applied to the relief of residents of Boston who are sufferers by fire, according as said society in its discretion may determine. How income shall be applied.

SECTION 3. The powers hereby granted shall be exercised only in conformity with a decree of the supreme judicial court sitting in equity in the county of Suffolk, to be entered within one year after the passage of this act. Supreme judicial court to have jurisdiction.

SECTION 4. This act shall take effect when it shall have been accepted by the votes both of said executive committee and of the board of government of said Massachusetts Charitable Fire Society. When to take effect.

Approved February 26, 1906.

AN ACT RELATIVE TO THE ESTABLISHMENT OF A PUBLIC PARK *Chap. 115*
BY THE TOWN OF NORTHBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and fifty-one of the acts of the year nineteen hundred and three is hereby amended by striking out the word "three", in the second line, and inserting in place thereof the word: — six, — so as to read as follows: — *Section 1.* The town of Northborough, by its board of selectmen, may at any time within six years after the passage of this act take, by gift upon such conditions as said board may deem advisable, or by purchase or otherwise, and hold in fee, or otherwise, and maintain, for the purpose of a public park, a certain parcel of land, with such buildings as may be thereon, or any part thereof, not exceeding one hundred and fifty acres in area, situated in said town, and bordering on either side of Cold Harbor brook, so-called, 1903, 451, § 1, amended.

Town of Northborough may take certain lands, etc., for park purposes.

together with said brook and all the waters of the same not previously granted to said town for other purposes, beginning at the highway at and next above the bridge over said brook on Whitney street, and extending up said brook to a point between the lands of G. H. Talbot and lands now or formerly of Mrs. Alice H. Fisher, and to such distance from either side of said brook, as would be overflowed with water if the water in said brook were raised to a level one foot above the stoning on the westerly side of said bridge, and to such other distance and boundary within said town as the town may elect, with any rights of flowage affecting the same.

1906, 451, § 3,
amended.

SECTION 2. Section three of said chapter four hundred and fifty-one is hereby amended by striking out the word "and", after the word "lands", in the ninth line, and inserting after the word "rights", in the tenth line, the words: — or other property, — so as to read as follows:

Description
of lands, etc.,
to be recorded.

— Section 3. Said town shall, within sixty days after the taking of any lands, water rights or other property as aforesaid, otherwise than by purchase or gift, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, which statement shall be signed by the chairman of the board of selectmen, and the title of all lands, water rights or other property so taken shall vest in the town of Northborough in fee. *Approved February 27, 1906.*

Chap. 116 AN ACT TO PROHIBIT THE MISUSE OF VESSELS USED IN THE SALE OF MILK.

Be it enacted, etc., as follows:

Placing of
offal, etc., in
milk cans, etc.,
prohibited.

SECTION 1. Whoever by himself or by his servant or agent or as the servant or agent of any other person, firm or corporation, having custody of a milk can, measure or other vessel used as a container for milk destined for sale, places or causes or permits to be placed therein any offal, swill, kerosene, vegetable matter or any article other than milk, skimmed milk, buttermilk, cream, or water or other agent used for cleansing said can, measure or other vessel, shall be punished by a fine of not more than ten dollars for each vessel so misused.

Penalty.

SECTION 2. Whoever by himself or by his servant or agent or as the servant or agent of any other person, firm or corporation, sends, ships, returns or delivers, or causes or permits to be sent, shipped, returned or delivered to any producer of milk any milk can, measure or other vessel used as a container for milk, containing any offal, swill, kerosene, vegetable matter, or any other offensive material, shall be punished by a fine of not more than ten dollars for every such vessel.

Delivery of milk cans, etc., containing offal, etc., prohibited.

Penalty.

SECTION 3. Every licensed milk dealer who, directly or indirectly, receives milk contained in receptacles which are the property of another person, firm or corporation, shall, before selling said milk, transfer it to other clean vessels bearing his name, or the name under which his business is conducted, and no other; and said milk shall not be sold by him except from or in said vessels.

Milk to be transferred to other vessels in certain cases.

SECTION 4. Whoever violates the provisions of the preceding section shall be punished by a fine of not more than ten dollars for each offence.

Penalty.

SECTION 5. Sections one and two of this act shall take effect thirty days after its passage; sections three and four shall take effect four months after its passage.

When to take effect.

Approved March 1, 1906.

AN ACT RELATIVE TO THE GRANTING OF LOCATIONS FOR POLES AND WIRES IN TOWNS.

Chap. 117

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and twenty-two of the Revised Laws, as amended by chapter two hundred and thirty-seven of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "or", in the thirteenth line, the words:—the selectmen of the,—by inserting after the word "or", in the eighteenth line, the words:—the selectmen of the,—and by inserting after the word "his", in the nineteenth line, the words:—or their,—so as to read as follows:—*Section 2.* The mayor and aldermen of a city or the selectmen of a town through which the lines of a company are to pass shall give the company a writing specifying where the poles may be located, the kind of poles, the height at which, and the places where, the wires may run. Any company, except street railway

R. L. 122, § 2, amended.

Granting of locations for poles and wires in cities and towns.

Granting of
locations for
poles and
wires in towns.

companies, desiring permission to erect poles, piers, abutments or other fixtures upon or along any public way shall, in writing, petition the said mayor and aldermen or selectmen therefor. A public hearing shall be held on such petition, and written notices of the time and place at which such hearing will be held shall be mailed at least three days before said hearing, by the clerk of the city or the selectmen of the town in which the petition for locations has been made, to the owners of real estate along the ways or parts of ways upon which it is proposed to construct said line, as determined by the last preceding assessment for taxation. The clerk of the city or the selectmen of the town shall endorse upon the order or specification of locations granted, his or their certificate that notices were sent and a hearing held as herein provided, and no such order or specification shall be valid without such certificate. After the erection of the lines the mayor and aldermen or selectmen may, after giving the company or its agents an opportunity to be heard, or upon petition of the company without hearing or notice, direct any alteration in the location or erection of the poles, piers or abutments, and in the height of the wires; and no permit shall be required for renewing, repairing or replacing poles, piers, abutments or other fixtures once erected under the provisions of law. Such certificates, specifications and decisions shall be recorded in the records of the city or town.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1906.

Chap.118 AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO IMPROVE AND EXTEND ITS WATER WORKS AND TO INCUR INDEBTEDNESS THEREFOR.

Be it enacted, etc., as follows:

Newburyport
Water Loan,
Act of 1906.

SECTION 1. The city of Newburyport, for the purpose of improving and extending its water works, may issue from time to time bonds, notes or scrip to an amount not exceeding seventy-five thousand dollars in addition to the amount heretofore authorized by law to be issued by the city for this purpose. Such bonds, notes or scrip shall be denominated on the face thereof, Newburyport Water Loan, Act of 1906, shall be payable at the expiration of

periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the water commissioners of the city. The city may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper: *provided*, that they shall not be sold for less than par value thereof. Proviso.

SECTION 2. The said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the city in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by the loan shall be extinguished. The city shall also raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the interest as it accrues on the bonds, notes or scrip issued by the city under authority hereof. To provide for annual payments, etc.

SECTION 3. The proceeds of the sale or pledge of said bonds, notes or scrip may be used by the city for the construction of water works and for improving and extending its system of water supply; and the city may take by purchase or otherwise, and hold for said purposes, any lands, easements or rights of way and the waters of any pond, stream, spring or artesian or driven well: *provided*, Proceeds to be applied to payment of expense of extending water supply system. *however*, that no source of water supply for domestic purposes shall be purchased or taken under this act without the consent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of said board. Proviso.

SECTION 4. The water commissioners of the said city shall make all contracts for purposes of construction in the name and behalf of the city, but no such contract shall be made which involves the expenditure of money not already appropriated for the purpose by the city government. Water commissioners to make contracts, etc.

SECTION 5. So much of chapter four hundred and seventy-one of the acts of the year eighteen hundred and Repeal.

ninety-three and of acts in amendment thereof as is inconsistent with the provisions of this act is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved March 1, 1906.

Chap. 119 AN ACT TO ESTABLISH THE NORTH CHELMSFORD FIRE DISTRICT AND TO PROVIDE FOR SUPPLYING THE SAME WITH WATER.

Be it enacted, etc., as follows:

Fire district
established in
the town of
Chelmsford.

SECTION 1. The inhabitants of the town of Chelmsford liable to taxation in said town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at a point on the division line between the town of Chelmsford and the city of Lowell which is distant two hundred feet southerly from Princeton street; thence northerly by said town line to the location of the Nashua and Lowell railroad; thence westerly and northwesterly by said railroad location to the Merrimac river at Newfield Eddy, so-called, near the stone sheds; thence southwesterly to the Dunstable road, so-called, at Swain's pond; thence southeasterly to the Groton road, so-called, at Newfield's or Leach's pond; thence by the easterly shore of Leach's pond to the mouth of the canal; thence southerly to the location of the Stony Brook railroad; thence northeasterly by the Stony Brook railroad location to a point two hundred feet southerly of the Princeton boulevard, formerly the Old Middlesex turnpike; thence south-easterly and easterly by a line parallel with said boulevard and two hundred feet southerly thereof to land of the county truant school; thence southerly, easterly and northerly by the county truant school land to a point two hundred feet southerly from said boulevard; thence easterly and parallel with said boulevard to the point of beginning, — shall constitute a fire district, and are hereby made a body corporate, by the name of the North Chelmsford Fire District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, by lease, purchase or otherwise, and to hold property, lands, rights of way and easements

for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

SECTION 2. Said fire district, for the purposes aforesaid, is hereby authorized to take and distribute water to be supplied by the city of Lowell upon such terms as may be agreed upon by the said city and the said district, or to be supplied by driven wells, or in such other manner as the state board of health may approve; and for the purpose of receiving, holding and distributing the said water the said district may lay and construct pipes and such other works and structures as may be necessary, under or over any land, water courses, railroads and railways and public or other ways, and along any way in the town of Chelmsford, in such manner as not unnecessarily to obstruct the same; and for the purposes aforesaid the said district may dig up any such lands or ways in such manner as to cause the least hindrance to public travel; and all things done upon any such way shall be subject to the direction of the selectmen of said town. The said district may also take, by lease, purchase or otherwise, and may hold all lands, rights of way and easements in the said town necessary for receiving, holding and distributing the said water.

May distribute water to be furnished by the city of Lowell, etc.

SECTION 3. Said fire district shall within sixty days after taking any land, rights of way, water rights, water source or easements as aforesaid, otherwise than by lease or purchase, file and cause to be recorded in the registry of deeds for the district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of land, etc., to be recorded.

SECTION 4. Said fire district shall pay all damages to property sustained by any person or corporation by the taking of any lands, water source or water rights, or by laying or maintaining any aqueducts or other works for the purpose aforesaid, or by the doing of any other act under authority hereof. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount thereof, may have them assessed in the manner provided by law with respect to land taken for the laying out of highways. Any person or corporation whose water rights are thus taken or af-

Damages.

fects may apply as aforesaid within one year after the time when the water is actually withdrawn or diverted, and not thereafter. Any application for the assessment of damages arising in any other manner under this act shall be made within one year after the doing of such damage.

North Chelmsford Fire District Loan.

SECTION 5. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said district may from time to time issue bonds, notes or certificates of debt, signed by the treasurer of the district and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, North Chelmsford Fire District Loan, to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the dates of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Said district may sell such securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest upon the loan as it accrues, and shall provide for the payment of the principal at maturity, by such annual proportionate payments as will extinguish the same within the time prescribed by this act. The amounts which may be necessary to make such payments shall without further vote of said district be raised annually by taxation in the manner hereinafter provided.

Payment of loan, etc.

SECTION 6. Said district shall raise by taxation annually a sum which with the income derived from the sale of water and the payments from the town of Chelmsford for hydrant service will be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said district is further authorized, by a two thirds vote of the voters thereof present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional pipes, appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year.

SECTION 7. The town of Chelmsford may by a two thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose guarantee the payment of such bonds, notes or certificates of debt, provided such meeting is held within one year after the acceptance of this act by said district.

Town may guarantee payment of bonds, etc.

SECTION 8. Whenever a tax is duly voted by said district for the purposes of this act the clerk shall send a certified copy of the vote to the assessors of the town of Chelmsford, who shall proceed within thirty days to assess the same in the same manner in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the same manner in which interest is authorized to be collected on town taxes: *provided*, that said district at the time of voting to raise the tax shall so determine, and shall also fix a time for the payment thereof.

Assessment of taxes.

Proviso.

SECTION 9. Said district may make such contracts with individuals, corporations, and with the town of Chelmsford, for supplying water as may be agreed upon, and may fix and collect rates for the use of such water, and may discontinue or shut off the water for the non-payment of such rates and for violation of the terms of any such contract or agreement.

May contract with individuals, corporations, etc.

SECTION 10. The city of Lowell may extend its conduits, pipes, mains or other works into the town of Chelmsford, and may distribute water through the North Chelmsford Fire District or any part thereof, and may regulate the use of such water and fix and collect rates for the use of the same; and said fire district may make such contract with the city of Lowell for water for the extinguishment of fires and for other purposes as may be agreed upon between said fire district and the said city, and the said city may establish and maintain fountains and hydrants and relocate or discontinue the same.

The city of Lowell may distribute water through the district, etc.

SECTION 11. Said North Chelmsford Fire District or the town of Chelmsford shall have the right at any time to take, by purchase or otherwise, the property and all the rights and privileges of the city of Lowell held under

The fire district or the town of Chelmsford may take certain water rights belong-

ing to the city
of Lowell, etc.

the provisions of this act within the town of Chelmsford, on payment to said city of the actual cost of the same. The city of Lowell shall keep a separate account of the construction expenses and receipts of its plant within the town of Chelmsford, which account shall be open to the selectmen or other committee appointed by the said town, or to the water commissioners or other committee appointed by the said fire district. In case said town or said fire district shall vote to purchase said property, rights and privileges, and cannot agree with the city of Lowell upon the amount of the total actual cost thereof, then in a suit in equity, brought either by the city or by the town or fire district, the supreme judicial court shall ascertain and fix such total cost in accordance with the foregoing provisions, and shall enforce the right of the town of Chelmsford or of the said fire district to take possession of said property, rights and privileges, upon payment of the cost aforesaid to the city of Lowell.

First meeting.

SECTION 12. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Chelmsford, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of said meeting. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority vote of the voters present and voting thereon it shall go into effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Board of water
commission-
ers, election,
term, etc.

SECTION 13. The North Chelmsford Fire District shall, after the acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this

act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of said district who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners; and a majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said fire district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners, or a majority of them. The commissioners shall annually make to said district a full report in writing of their doings and expenditures.

Treasurer to be appointed.

Filling of vacancies.

SECTION 14. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section ten. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem necessary or proper.

May adopt by-laws, etc.

SECTION 15. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding six months.

Penalty for corruption, etc., of water.

SECTION 16. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at any legal district meeting called for the purpose within three years after the passage of this act; but it shall become void unless the said district

When to take effect.

or the said city of Lowell shall begin to distribute water to consumers in the North Chelmsford Fire District within three years after the date of the acceptance of this act as aforesaid.

Approved March 1, 1906.

Chap.120

AN ACT RELATIVE TO REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

R. L. 76, § 14,
amended.

Examination
for registra-
tion as
pharmacist.

Applicants
from other
states may be
registered.

Proviso.

Section fourteen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "dollars", in the seventh line, the words: — The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application, — so as to read as follows: — *Section 14.* A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of five dollars at the time of filing the application. All fees received by the board shall be paid by its secretary into the treasury of the Commonwealth.

Approved March 1, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE CIVIL SERVICE COMMISSIONERS. *Chap.121*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

For the compensation and expenses of the members of the civil service commission, a sum not exceeding eighteen hundred thirty-three dollars and thirty-three cents.

Civil service commission.

For the salary of the chief examiner of the civil service commission, twenty-seven hundred and fifty dollars.

Chief examiner.

For the salary of the secretary of the civil service commission, eighteen hundred thirty-three dollars and thirty-three cents.

Secretary.

For the salary of the registrar of labor of the civil service commission, eighteen hundred thirty-three dollars and thirty-three cents.

Registrar of labor.

For clerical assistance, advertising and stationery, and for office, printing, travelling and incidental expenses of the commissioners, chief examiner and secretary, a sum not exceeding seventeen thousand five hundred dollars.

Clerical assistance, etc.

For the printing and binding of ten thousand copies of the annual report of the civil service commission, a sum not exceeding nine hundred dollars.

Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1906.

AN ACT TO AUTHORIZE THE TOWN OF NORTON TO SUPPLY ITSELF WITH WATER. *Chap.122*

Be it enacted, etc., as follows:

SECTION 1. The town of Norton may contract either with the town of Mansfield or with the town of Attleborough to supply the town of Norton with water, or may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants and relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid therefor: *provided, however, that no source of water supply for domestic pur-*

The town of Norton may contract with certain other towns for a water supply.

Proviso.

poses or lands necessary for preserving the quality of such water shall be acquired without the advice and approval of the state board of health.

May take the waters of certain rivers, etc.

SECTION 2. The said town, for the purposes aforesaid, may within the limits of the town take the waters of Rumford, Wading or Canoe rivers, so-called, and their tributaries, and any water rights connected therewith, and may also take the waters of any wells within or near the watersheds of said rivers and tributaries, and may also take by purchase or otherwise and hold any real estate, rights of way or easements necessary to construct and maintain aqueducts and other works for collecting, purifying, discharging, conducting and distributing water for the purposes aforesaid: *provided, however*, that the town shall not take, use or divert more than ten per cent of the water flowing in any of the rivers aforesaid.

Proviso.

Description of lands, etc., to be recorded.

SECTION 3. The said town shall, within sixty days after taking any of the waters, water rights, real estate, rights of way or easements aforesaid, otherwise than by purchase, file and cause to be recorded in the office of the registry of deeds for the northern district of the county of Bristol a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the board of water commissioners hereinafter provided for.

May erect dams, etc.

SECTION 4. The town may excavate the land taken or held as aforesaid, and may erect thereon dams, buildings and other necessary structures, may procure and operate machinery, and may provide all other means necessary for carrying out the purposes aforesaid; and may construct conduits, pipes and other works under or over any lands, water courses, railroads and public or private ways, and along any such ways in such a manner as not unnecessarily to obstruct the same; and for all the purposes of this act the town may dig up any such lands, and, with the approval of the board of selectmen of the town in which the ways are situated, the said board of water commissioners may enter upon and dig up any such ways in such manner as to cause the least practicable hindrance to public travel.

Damages.

SECTION 5. Said town shall be liable for all damages to property sustained by any person by the taking of any land, water or water rights, or by constructing any aqueducts or other works, or by doing any other thing under

authority of this act; and if any person so injured cannot agree with the water commissioners of the town upon the amount of such damages the same shall be ascertained and recovered in the manner provided by law in the case of land taken for the laying out of highways, but no application for damages shall be entertained after the expiration of two years from the time of such taking or other injury.

SECTION 6. Said town may for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act issue from time to time bonds, notes or scrip, to an amount not exceeding seventy-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Norton Water Loan, Act of 1906, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act: *provided*, that no such bonds, notes or scrip shall be sold for less than their par value.

Norton Water Loan, Act of 1906.

Proviso.

SECTION 7. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished.

Payment of loan.

SECTION 8. The town shall raise annually in the manner provided in the following section a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest and principal of the bonds, notes or scrip aforesaid as the same become due.

Payment of current annual expenses.

SECTION 9. The assessors of the town shall annually in accordance with the preceding section assess a separate tax to the amount provided for in the preceding section upon all the taxable property contained within zones or belts extending in width one thousand feet on each side from the centre of any public, private or other way in

Separate tax to be assessed, etc.

which pipes or other structures for the conveyance of water have been laid and are in use under the provisions of this act, so that said zones shall be two thousand feet wide; and in length the said zones shall extend along the said ways respectively to a point five hundred feet beyond the last hydrant or other fixture on any such way from which water can be drawn for extinguishing fires.

Penalty for
corruption,
etc., of water.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damage assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Water com-
missioners,
election, term,
etc.

SECTION 11. Said town shall after its acceptance of this act, at a town meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at every annual town meeting thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose.

When to take
effect.

SECTION 12. This act shall take full effect upon its acceptance by a majority of the voters of the town of Norton present and voting thereon at a legal town meeting called for the purpose within five years after its passage; but the number of meetings so called in any one year shall not exceed three. For the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved March 2, 1906.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO USE ITS BORROWING CAPACITY TO PAY CERTAIN INDEBTEDNESS. *Chap. 123*

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford, for the purpose of paying notes of the city to the amount of two hundred and fifty thousand dollars heretofore issued on account of expenditures made or liabilities incurred prior to the first day of January in the year nineteen hundred and six, or for retiring notes issued on account of such expenditures or liabilities, may incur indebtedness to an amount not exceeding two hundred and fifty thousand dollars, and may issue notes or scrip therefor to that amount. Such notes or scrip shall be payable within four years from the respective dates of issue, and shall bear interest at a rate not exceeding four per cent per annum. The city council of the city shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act. The provisions of chapter twenty-seven of the Revised Laws, so far as they may be applicable, shall apply to the indebtedness hereby authorized and to the securities issued therefor; and the notes or scrip issued under authority of this act shall not exceed the limit of municipal indebtedness fixed by law.

The city of New Bedford may make a new loan.

Payment of loan.

R. L. 27 to apply.

SECTION 2. The tax assessed on property in the city of New Bedford, exclusive of the state tax, county tax and sums required by law to be raised on account of the city debt, shall not exceed, on every one thousand dollars of the assessors' valuation of the taxable property therein for the preceding year, thirteen dollars in the years nineteen hundred and seven, nineteen hundred and eight, nineteen hundred and nine and nineteen hundred and ten; the said valuation being first reduced by the amount of all abatements thereon previous to the thirty-first day of December in the year preceding said assessments, subject to all the provisions contained in section fifty-four of chapter twelve of the Revised Laws.

Limit of tax rate, etc.

SECTION 3. All sums of money raised by taxation under the provisions of section two of this act, in excess of twelve dollars on every one thousand dollars of the assessors' valuation of the taxable property in said city for the preceding year shall be used in payment of the

Certain proportion of tax to be used in payment of loan, etc.

notes or scrip issued under the provisions of section one of this act and for no other purpose.

SECTION 4. This act shall take effect upon its passage.

Approved March 2, 1906.

Chap. 124 AN ACT TO AUTHORIZE THE TOWN OF CANTON TO FURNISH WATER IN CERTAIN SECTIONS OF THE TOWNS OF SHARON AND STOUGHTON.

Be it enacted, etc., as follows:

Town of
Canton may
supply water
to certain other
towns.

SECTION 1. The town of Canton, in addition to the authority given to it by chapter ninety-five of the acts of the year eighteen hundred and eighty-five, is hereby authorized, acting by its board of water commissioners, to extend its conduits, pipes, mains and other works into the towns of Sharon and Stoughton along Bay street for a distance not exceeding eighteen hundred feet from the line dividing the towns of Canton and Sharon, and along Central street in the town of Stoughton for a distance not exceeding thirteen hundred feet from said Bay street, and in North Main street in the town of Sharon for a distance not exceeding nineteen hundred feet from said Bay street, and to supply water for domestic purposes to the inhabitants living upon said streets in said towns of Sharon and Stoughton, upon such terms as may be agreed upon between said inhabitants and the town of Canton: *provided, however,* that the town of Canton shall first file a plan of any such proposed extensions in the town of Stoughton with the selectmen of that town and of any such proposed extensions in the town of Sharon with the selectmen of that town, and shall receive the approval of the selectmen of said towns; and the town of Canton shall file with the selectmen of the towns of Sharon and Stoughton, respectively, a sworn statement of all expenses of any such extensions within their respective towns within six months after the completion of the same. In making such extensions and in supplying water as aforesaid the town of Canton shall have the same rights and be subject to the same liabilities as in laying pipes or supplying water within its own limits.

Proviso.

The towns of
Sharon and
Stoughton may
take, etc., cer-
tain water
rights of the
town of
Canton.

SECTION 2. Either of the towns of Sharon or Stoughton shall have the right at any time to take by purchase or otherwise the property and all the rights and privileges of the town of Canton within its limits upon payment of

the actual cost of the same, without interest. In case either of said towns shall vote to purchase the said property, rights and privileges of the town of Canton and cannot agree with the said town upon the amount to be paid therefor as hereinbefore provided, then, upon a suit in equity brought by either of said towns of Sharon or Stoughton or by the town of Canton, the supreme judicial court shall ascertain and fix such sum to be paid in accordance with the foregoing provisions, and shall enforce the right of the town of Sharon or of the town of Stoughton to take possession of the said property of the town of Canton within its limits upon payment of the sum found due.

SECTION 3. The towns of Sharon and Stoughton, or either of them, may contract with the town of Canton to furnish water within their respective limits in the district described in section one, upon such terms and conditions, and for such length of time, as may be agreed upon by the parties.

Contracts for
furnishing
water.

SECTION 4. This act shall take effect upon its passage.

Approved March 5, 1906.

AN ACT TO AUTHORIZE THE TRUSTEES OF MONSON ACADEMY
TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap.125

Be it enacted, etc., as follows:

SECTION 1. The Trustees of Monson Academy, incorporated by chapter ten of the acts of the year eighteen hundred and four, are hereby authorized to hold real and personal estate the yearly income from which shall not exceed fifteen thousand dollars.

Trustees of
Monson
Academy may
hold additional
estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1906.

AN ACT RELATIVE TO CLERICAL ASSISTANCE IN THE OFFICE
OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

Chap.126

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter three of the Revised Laws, as amended by section one of chapter eighty-seven of the acts of the year nineteen hundred and four, is hereby further amended by striking out the words "two thousand", in the twelfth line, and inserting in place thereof the words:—twenty-five hundred,—so as to read

R. L. 3, § 12,
etc., amended.

Assistant
clerks of
senate and
house, etc.

as follows: — *Section 12.* The clerk of the senate and the clerk of the house of representatives, subject to the approval of the senate and house respectively, may each appoint an assistant clerk who, in the absence of the clerk, shall perform the duties of the clerk unless a clerk pro tempore is chosen. Each clerk may remove the assistant clerk appointed by him. The clerk of the senate may also employ necessary clerical assistance at an expense of not more than fifteen hundred dollars a year, and the clerk of the house of representatives may also employ necessary clerical assistance at an expense of not more than twenty-five hundred dollars a year.

Clerical
assistance.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1906.

Chap.127 AN ACT TO PROVIDE FOR THE DEPOSIT OF MONEY IN THE NAME OF A JUDGE OF PROBATE AND FOR THE PAYMENT OF SUCH DEPOSIT.

Be it enacted, etc., as follows:

R. L. 180, § 25,
amended.

SECTION 1. Section twenty-five of chapter one hundred and fifty of the Revised Laws is hereby amended by striking out the word "such", in the third line, and inserting in place thereof the word: — any, — so as to read as follows: — *Section 25.* If an executor, administrator, guardian or trustee has money which he considers it advisable to deposit in a savings bank in the name of the judge of probate for the benefit of any person, he may apply to the probate court by which he was appointed for leave so to do, and the court may in its discretion, without notice, direct such money so to be deposited. When the deposit is made the deposit book of the bank shall be filed in said court. When the person entitled to such money satisfies the court of his right to receive it, the court shall by decree direct it to be transferred to him.

Deposit of
certain funds.

SECTION 2. This act shall take effect upon its passage.

Approved March 6, 1906.

Chap.128 AN ACT TO RATIFY THE LOCATIONS OF STREETS, HIGHWAYS, SEWERS AND PUBLIC DRAINS LAID OUT BY MUNICIPAL AUTHORITY IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

Certain acts
of the city of
Marlborough
confirmed.

SECTION 1. The location and laying out of all streets, ways, sewers and public drains heretofore laid out by any

municipal authority of the city of Marlborough are hereby legalized and confirmed, notwithstanding any failure to file a description and plan thereof for record in the registry of deeds for the county or district in which the land lies, as is required by section ninety-seven of chapter forty-eight of the Revised Laws.

SECTION 2. This act shall take effect upon its passage, but shall not affect any suit or other proceeding at law now pending. *Approved March 6, 1906.*

Not to affect suit, etc., now pending.

AN ACT RELATIVE TO CONVEYANCES AND WILL OF A HUSBAND DESERTED BY HIS WIFE OR LIVING APART FROM HER FOR A JUSTIFIABLE CAUSE. *Chap.129*

Be it enacted, etc., as follows:

SECTION 1. The probate court may upon the petition of a husband or, if he is insane, upon the petition of his guardian or next friend, enter a decree that said husband has been deserted by his wife or that he is living apart from her for justifiable cause, and he may thereafter convey his real property in the same manner and with the same effect as if he were sole; and the surviving wife shall not be entitled under the provisions of section sixteen of chapter one hundred and thirty-five of the Revised Laws to waive the provisions of a will made by him.

Probate court may enter decree in certain cases.

SECTION 2. This act shall take effect upon its passage. *Approved March 6, 1906.*

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO CONSTRUCT, OPERATE, MAINTAIN AND LEASE TUNNELS OR CONDUITS UNDER AND THROUGH BROAD CANAL. *Chap.130*

Be it enacted, etc., as follows:

SECTION 1. The city of Cambridge is hereby authorized to construct, operate and maintain tunnels or conduits under and through Broad canal in that city, for the purpose of placing therein water pipes, gas pipes and other structures for the use of the city and other persons. Such tunnels or conduits shall be constructed below the depths provided for in section four of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three, and to such further depths as may be required by the Charles river basin commission. The city may lease such tunnels or conduits to, and make contracts

The city of Cambridge may construct, etc., tunnels or conduits under Broad canal.

Tunnels, etc., may be leased.

with, any persons or corporations for the use of the same, upon such terms and conditions as to the city may seem reasonable.

When to take effect.

Proviso.

SECTION 2. This act shall take effect upon its acceptance by concurrent vote of the city council of the city of Cambridge: *provided*, that it is so accepted within sixty days after the date of its passage.

Approved March 6, 1906.

Chap.131 AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES IN THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

The city of Pittsfield may cause certain wires, etc., to be removed or placed underground.

SECTION 1. The city council of the city of Pittsfield may by ordinance designate some officer or officers of the city who shall have exclusive authority to cause to be removed from the streets of the city, within the district hereinafter prescribed, all telegraph, telephone and electric light, motor and power wires, cables and conductors, in or above said streets, and all poles and other structures in said streets used for the support of the same, except such structures, poles, wires, cables and conductors as are hereinafter excepted. Such officer or officers shall grant all necessary permits for placing, maintaining and operating such wires, cables and conductors in underground conduits, subject to the ordinances of the city; and the board of public works of said city shall issue all permits for opening and occupying the streets in said city which may be necessary to carry out the intent of this provision, upon the application of the officer or officers first above mentioned, or of any person or corporation interested.

To apply to a certain district.

SECTION 2. The provisions of this act shall apply to that district in the city of Pittsfield which is bounded by a circumference whose centre is the point at the intersection of the centre lines of North, South and West streets, and whose radius is one half mile in length. And said officer or officers, in the month of January, nineteen hundred eleven, and in each January thereafter, until the work in the said district is completed, shall prescribe, giving public notice thereof in at least one daily newspaper published in said city, by advertising therein twice a week for two successive weeks, a part of said district, comprising not less than one nor more than one and one half miles of streets, within which part all of said wires,

cables and conductors, except those hereinafter excepted, shall, during that calendar year, be removed or placed underground; and said officer or officers shall cause the owner or users of such wires, cables and conductors, to remove them or put them underground, and also to remove any poles or other structures used in the streets to support such wires, cables or conductors, except when in the judgment of said officer or officers it is impracticable or inexpedient to remove such wires, cables, poles, conductors or structures; it being the purpose and intent of this act ultimately to cause the removal from public streets, avenues and highways within said district, of all said wires, cables and conductors, except those hereinafter excepted.

SECTION 3. All wires, cables and conductors, and all poles and other structures used for the support of the same, except such as are hereinafter excepted, shall prior to the first day of January, nineteen hundred and eleven, and within the limit of expenditure prescribed in this section, be removed from or placed underground within the following streets in said city, within the boundaries of the district specified in the preceding section: — Pearl street, between Cottage row and Fenn street; North Pearl street, between the location of the Boston and Albany Railroad Company and Maplewood avenue; Fenn street, between Pearl and North streets; Allen avenue; Depot street; Melville street, between North Pearl and North streets; Summer street, between North street and Francis avenue; Francis avenue, between Summer street and Columbus avenue; and North street, between West street and Maplewood avenue: *provided, however*, that no person or corporation shall be required to do work under the provisions of this section involving the expenditure of more than twenty thousand dollars.

To apply to certain streets, etc.

Proviso.

SECTION 4. No person or corporation shall place any poles or other structures for the support of any wires, cables or conductors, except those herein specially excepted, in any street or part thereof which has been prescribed as aforesaid, except temporarily and in an emergency, and with the consent of said officer or officers; and if after the expiration of the calendar year in which such street or part thereof was so prescribed there shall remain therein any poles, wires, cables or conductors which said officer or officers shall have ordered to be removed, the said officer or officers shall cause the same to be removed; and the city

Certain structures not to be placed in prescribed streets, except, etc.

may collect from the owners or users, by an action at law, all expense incurred in such removal.

Permits may be granted for removal of wires, etc.

SECTION 5. Said officer or officers may at any time, upon application of any person, firm or corporation, duly authorized by law to lay or to erect and maintain, and maintaining, wires in the streets of said city, grant permits for the removal of any wires, cables, conductors, poles or other structures in any of the streets of said city, whether within or without the district specified in section two of this act, and for the placing of the same and any other necessary wires, cables and conductors or any extensions thereof underground as herein provided; and the board of public works, after the granting of such permits, shall issue all permits for opening and occupying the streets in said city which may be necessary to carry out the intent of this provision, upon the application of the officer or officers first above mentioned, or of any person or corporation interested.

Not to apply to certain wires, etc., nor revoke certain rights.

SECTION 6. This act shall not apply to long distance telephone wires, or to poles used exclusively for the support of lamps or for local distribution from underground wires, cables or conductors, or both, or to street railway trolley wires and their supports; nor shall it revoke any rights heretofore granted to any person, firm or corporation to place or maintain any conduits, pipes, wires, cables or conductors underground; but any such conduits, pipes, wires, cables or conductors laid hereafter shall be laid subject to the provisions of this act, so far as they are not inconsistent with the terms of such grant. For the purpose of this act no wire shall be deemed a long distance telephone wire which does not extend twenty-five miles at least in a direct line from some central office. Poles used for local distribution from underground wires, cables or conductors, shall be construed to mean poles set at or near the curb line of any street in which underground wires are placed, and such poles shall be set at intervals of not less than two hundred feet on the curb line, on either side of any street, shall have suitable cross-arms for the attachment of distributing wires, and shall be of approved design. No electric light or power company shall be required to do work hereunder involving the expenditure of more than eight thousand dollars in any one year.

Maps to be filed in certain cases.

SECTION 7. When any person, firm or corporation operating or intending to operate wires, cables, conductors

or conduits, in said section of said city, shall desire or be required to place the same underground in any street or highway in said section, and shall have been duly authorized so to do, such person, firm or corporation shall file with the board of public works of said city a map or maps, made to scale, showing the streets or highways which are desired or required to be used for such purposes, and giving the location, dimensions and course of the underground conduit or conductor desired or required to be constructed, which map or maps shall be satisfactory to and approved in writing by said board of public works before any opening shall be made in any such street or highway under such authority.

SECTION 8. The mayor and aldermen of the city shall constitute a board of appeal, to which petitions in writing may be presented by any person, firm or corporation aggrieved by any act or decision of said officer or officers hereunder. Such petition shall set forth the specific grievance or grievances relied upon, and shall be filed with the mayor within ten days after the act or decision complained of was done or made; and said board after notice given as prescribed in section two of this act shall give a hearing thereon, and may either approve, annul or modify such act or decision. Board of appeal.

SECTION 9. The supreme judicial court or the superior court, or any justice of either court, on petition of said officer or officers, shall have jurisdiction in equity to enforce the provisions of this act or any order of said officer or officers issued hereunder, and to compel compliance therewith. Enforcement of provisions, etc.

SECTION 10. This act shall take effect upon its passage.

Approved March 7, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE STATE BOARD OF EDUCATION, AND
FOR SUNDRY EDUCATIONAL EXPENSES. Chap. 132

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: — Appropriations.

Secretary and
agents of state
board of
education, etc.

For the salaries of the secretary and agents of, and for clerical assistance to the state board of education, a sum not exceeding fifteen thousand five hundred eighty-three dollars and thirty-three cents.

Contingent
expenses, etc.

For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding eighteen hundred thirty-three dollars and thirty-three cents.

Travelling
expenses, etc.

For travelling and other expenses of the members of the state board of education, and for the purpose of gaining information regarding educational methods in other states, a sum not exceeding nine hundred sixteen dollars and sixty-six cents.

Expenses of
employees.

For travelling expenses of employees under the direction of the state board of education, a sum not exceeding eighteen hundred thirty-three dollars and thirty-three cents.

SUPPORT OF STATE NORMAL SCHOOLS.

State normal
schools,
Bridgewater.

For the support of the state normal school at Bridgewater, a sum not exceeding forty-five thousand thirteen dollars and eighty-six cents.

Fitchburg.

For the support of the state normal school at Fitchburg, a sum not exceeding twenty-seven thousand three hundred and forty-eight dollars.

Framingham.

For the support of the state normal school at Framingham, a sum not exceeding thirty-one thousand one hundred twenty-five dollars and eighty-five cents.

Hyannis.

For the support of the state normal school at Hyannis, a sum not exceeding twenty-one thousand five hundred and fifty-four dollars.

Lowell.

For the support of the state normal school at Lowell, a sum not exceeding twenty-eight thousand seven hundred and forty dollars.

North Adams.

For the support of the state normal school at North Adams, a sum not exceeding twenty-nine thousand one hundred ninety-three dollars and eighty-nine cents.

Salem.

For the support of the state normal school at Salem, a sum not exceeding twenty-eight thousand two hundred seventy-seven dollars and two cents.

Westfield.

For the support of the state normal school at Westfield, a sum not exceeding twenty-eight thousand three hundred twenty-five dollars and eighty-nine cents.

For the support of the state normal school at Worcester, a sum not exceeding twenty-three thousand four hundred ninety-six dollars and seventy cents.

Worcester.

For the support of the state normal art school, a sum not exceeding twenty-nine thousand eighty-four dollars and eighty-two cents.

State normal art school.

For the expenses of teachers' institutes, a sum not exceeding two thousand dollars.

Teachers' institutes.

For the Massachusetts Teachers' Association, the sum of three hundred dollars, subject to the approval of the state board of education.

Massachusetts Teachers' Association.

For the expenses of county teachers' associations, a sum not exceeding seven hundred dollars.

County teachers' associations.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Aid to pupils.

To enable small towns to provide themselves with school superintendents, a sum not exceeding eighty-six thousand one hundred sixty-six dollars and sixty-seven cents.

School superintendents, etc.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding seventy-nine thousand seven hundred and fifty dollars.

Education of deaf pupils.

For school registers and other school blanks for the cities and towns of the Commonwealth, a sum not exceeding twelve hundred dollars.

School blanks.

For the printing and binding of the annual report of the state board of education, a sum not exceeding three thousand dollars.

Annual report.

For the payment of tuition of children in high schools outside of the town in which they live, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, a sum not exceeding forty-four thousand four hundred fifty-eight dollars and thirty-three cents. And there may also be paid from this amount such sum as may be necessary to furnish or provide transportation to and from school for such children of school age as may be living on islands within the Commonwealth which are not provided with schools.

Tuition, etc., of certain children in high schools.

For the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the

Perkins Institution and Massachusetts

School for the
Blind.

resolves of the year eighteen hundred and sixty-nine, the sum of twenty-seven thousand five hundred dollars.

Instruction of
adult blind at
their homes.

To provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, the sum of forty-five hundred eighty-three dollars and thirty-four cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

Chap. 133 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR
SUNDRY MILITARY EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Adjutant
general.

For the salary of the adjutant general, thirty-three hundred dollars.

Clerks.

For the salaries of the five clerks in the adjutant general's department, seventy-five hundred sixteen dollars and sixty-six cents.

Messenger.

For the salary of the messenger in the adjutant general's department, seven hundred thirty-three dollars and thirty-three cents.

Clerical
assistance.

For such additional clerical assistance as the adjutant general may find necessary, and for the compensation of employees at the state arsenal, a sum not exceeding seventy-six hundred eight dollars and thirty-three cents.

Expenses.

For incidental and contingent expenses in the adjutant general's department, a sum not exceeding thirty-two hundred eight dollars and thirty-three cents.

Compensation
of officers and
men of the
militia.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty-five thousand dollars.

Transportation.

For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding nineteen thousand dollars.

Rifle practice.

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding twenty-four thousand five hundred dollars.

For an allowance to commissioned officers of the militia toward the purchase of uniforms, a sum not exceeding seventeen thousand dollars.

Allowance for uniforms.

For allowance to officers of the militia for their care of and responsibility for property of the Commonwealth, a sum not exceeding fifty-one hundred and fifty dollars.

Care of property.

For allowance for and repairs of clothing for the volunteer militia, a sum not exceeding ninety-six hundred dollars.

Repair of clothing.

For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-eight thousand dollars.

Rent of headquarters.

For heating, lighting, furnishing and caring for the armories recently erected in certain cities of the Commonwealth for the use of the volunteer militia, a sum not exceeding forty-nine thousand five hundred dollars.

Heating, lighting, etc., of armories.

For services of janitors of certain armories, a sum not exceeding seven thousand dollars.

Janitors of armories.

For quartermasters' supplies, a sum not exceeding eleven thousand dollars.

Quartermasters' supplies.

For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding fifty-five hundred dollars.

Expenses.

For expenses in connection with military accounts not otherwise provided for, a sum not exceeding thirty-six hundred sixty-six dollars and sixty-six cents.

Military accounts.

For grading the camp ground and for care of the ground and buildings of the Commonwealth at Framingham, a sum not exceeding two thousand dollars.

Grading and care of camp ground.

For furnishing, repair and care of the United States steamer Inca, a sum not exceeding three thousand dollars.

Steamer Inca.

For giving instruction in riding to non-commissioned officers and others who are required by law to be mounted, a sum not exceeding two thousand dollars.

Instruction in riding, etc.

For furnishing the officers and men of the organized militia with uniform instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding twenty-five hundred dollars.

Instruction in military authority, etc.

For the salary of the surgeon general, eleven hundred dollars.

Surgeon general.

For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, including clerical service and the printing of the

Medical supplies, etc.

annual report, a sum not exceeding twenty-two hundred sixty-eight dollars and seventy-five cents.

Examination
of recruits.

For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-three hundred eighty-three dollars and thirty-three cents.

Annual report.

For the printing and binding of the annual report of the adjutant general, a sum not exceeding thirteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

Chap. 134 AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to meet expenses in connection with the care and maintenance of boulevards and parkways in charge of the metropolitan park commission, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, one half of the said sums to be paid out of the current revenue and the other half to be assessed upon the metropolitan park district, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit:—

Metropolitan
park commis-
sioners,
salaries, etc.

For the salaries of the metropolitan park commissioners, the sum of twenty-eight hundred and seventy-five dollars. For the salaries of the supervisor of construction, stenographers, clerks and messenger, a sum not exceeding fifty-five hundred and thirty-six dollars, and for extra clerical assistance, a sum not exceeding five hundred dollars.

Expenses and
supplies.

For travelling, office expenses and supplies, a sum not exceeding fifty-five hundred dollars.

Labor, etc.

For labor, teaming and keep of horses, a sum not exceeding twenty-seven thousand two hundred and seventeen dollars.

Police.

For the police, a sum not exceeding twenty-two thousand dollars.

Lighting
parkways, etc.

For lighting parkways and boulevards, a sum not exceeding nineteen thousand five hundred dollars.

Watering
parkways, etc.

For watering parkways and boulevards, a sum not exceeding thirteen thousand one hundred and fifty dollars.

For sundry miscellaneous expenses, a sum not exceeding fifty-six hundred and fifty dollars. Expenses.

For extermination of the gypsy and brown tail moths, a sum not exceeding thirty-two hundred dollars. Extermination of gypsy, etc., moths.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

AN ACT MAKING APPROPRIATIONS FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Chap. 135

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the care of reservations under the control of the metropolitan park commission, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, as provided for by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit: — Appropriations.

For the salaries of the metropolitan park commissioners, the sum of thirty-four hundred and fifty dollars. For the salaries of the secretary, paymaster and clerks of said commission, a sum not exceeding sixty-six hundred and thirty-seven dollars; and for extra clerical assistance, a sum not exceeding five hundred dollars. Metropolitan park commissioners, salaries, etc.

For travelling, office expenses and supplies, including the printing and binding of the annual report, a sum not exceeding sixty-eight hundred dollars. Expenses and supplies, etc.

For labor, teaming and keep of horses, a sum not exceeding sixty-nine thousand two hundred and two dollars. Labor, etc.

For the police under the charge of the metropolitan park commission, a sum not exceeding fifty-two thousand dollars. Police.

For lighting the reservations, a sum not exceeding eleven thousand five hundred dollars. Lighting reservations.

For watering roadways, a sum not exceeding six thousand and fifty dollars. Watering roadways, etc.

For miscellaneous expenses and supplies, a sum not exceeding fifteen thousand dollars. Expenses and supplies.

For exterminating the gypsy and brown tail moths, a sum not exceeding sixty-three thousand dollars. Extermination of gypsy, etc., moths.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

Chap.136 AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF WELLINGTON BRIDGE BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Care and maintenance of Wellington bridge.

SECTION 1. A sum not exceeding thirty-three hundred and twenty-five dollars is hereby appropriated, to be paid out of the Metropolitan Parks System, Wellington Bridge Maintenance Fund, for the care and maintenance of Wellington bridge by the metropolitan park commission, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, in accordance with the provisions of chapter four hundred and ninety-one of the acts of the year nineteen hundred and one.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

Chap.137 AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF THE NANTASKET BEACH RESERVATION BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks System, Nantasket Maintenance Fund, for the care and maintenance of Nantasket beach by the metropolitan park commission, during the eleven months ending on the thirtieth day of November, nineteen hundred and six, these amounts to be repaid to the Commonwealth by the cities and towns in the metropolitan district, in accordance with the provisions of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-nine, to wit:—

Nantasket beach police.

For the police, a sum not exceeding ten thousand two hundred dollars.

Expenses and supplies.

For sundry miscellaneous expenses and supplies, a sum not exceeding ninety-six hundred dollars.

Repairs.

For necessary repairs to Nantasket avenue, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH. *Chap.138*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Appropriations.

SUPREME JUDICIAL COURT.

For the salaries and travelling expenses of the chief justice and of the six associate justices of the supreme judicial court, fifty-four thousand nine hundred ninety-nine dollars and ninety-nine cents.

Chief justice and associate justices of the supreme judicial court.

For the salary of the clerk of the supreme judicial court, twenty-seven hundred and fifty dollars.

Clerk.

For clerical assistance to the clerk of the supreme judicial court, four hundred fifty-eight dollars and thirty-three cents.

Clerical assistance to clerk.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-two hundred ninety-one dollars and sixty-six cents.

Clerical assistance to justices.

For expenses of the supreme judicial court, a sum not exceeding eighteen hundred thirty-three dollars and thirty-three cents.

Expenses.

For the salary of the reporter of decisions of the supreme judicial court, thirty-six hundred sixty-six dollars and sixty-six cents; and for clerk hire and incidental expenses of said reporter, a sum not exceeding eighteen hundred thirty-three dollars and thirty-three cents.

Reporter of decisions, etc.

For the salaries of the officers and messenger of the supreme judicial court, twenty-two hundred dollars.

Officers and messenger.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, thirteen hundred and seventy-five dollars.

Clerk for Suffolk county.

For the salary of the retired justice of the supreme judicial court, forty-eight hundred twelve dollars and fifty cents.

Retired justice.

SUPERIOR COURT.

For the salaries and travelling expenses of the chief justice and of the twenty-two associate justices of the

Superior court, justices.

superior court, one hundred forty-eight thousand forty-one dollars and sixty-six cents.

Assistant clerk.

For the salary of the assistant clerk of the superior court, four hundred fifty-eight dollars and thirty-three cents.

COURTS OF PROBATE AND INSOLVENCY.

Judge of probate and insolvency, Barnstable.

For the salary of the judge of probate and insolvency for the county of Barnstable, twelve hundred eighty-three dollars and thirty-three cents.

Berkshire.

For the salary of the judge of probate and insolvency for the county of Berkshire, twenty-two hundred ninety-one dollars and sixty-six cents.

Bristol.

For the salary of the judge of probate and insolvency for the county of Bristol, three thousand six hundred sixty-six dollars and sixty-six cents.

Dukes County.

For the salary of the judge of probate and insolvency for the county of Dukes County, eight hundred and twenty-five dollars.

Essex.

For the salary of the judge of probate and insolvency for the county of Essex, forty-one hundred and twenty-five dollars.

Franklin.

For the salary of the judge of probate and insolvency for the county of Franklin, thirteen hundred and seventy-five dollars.

Hampden.

For the salary of the judge of probate and insolvency for the county of Hampden, twenty-nine hundred thirty-three dollars and thirty-three cents.

Hampshire.

For the salary of the judge of probate and insolvency for the county of Hampshire, fifteen hundred fifty-eight dollars and thirty-three cents.

Middlesex.

For the salaries of the two judges of probate and insolvency for the county of Middlesex, ninety-one hundred sixty-six dollars and sixty-six cents.

Nantucket.

For the salary of the judge of probate and insolvency for the county of Nantucket, eight hundred and twenty-five dollars.

Norfolk.

For the salary of the judge of probate and insolvency for the county of Norfolk, thirty-six hundred sixty-six dollars and sixty-six cents.

Plymouth.

For the salary of the judge of probate and insolvency for the county of Plymouth, twenty-one hundred eight dollars and thirty-three cents.

Suffolk.

For the salaries of the two judges of probate and insolvency for the county of Suffolk, eleven thousand dollars.

For the salary of the judge of probate and insolvency for the county of Worcester, forty-one hundred and twenty-five dollars. Worcester.

For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding twenty-seven hundred and fifty dollars. Judges acting in other counties.

For the salary of the register of probate and insolvency for the county of Barnstable, eleven hundred ninety-one dollars and sixty-six cents. Register, Barnstable.

For the salary of the register of probate and insolvency for the county of Berkshire, sixteen hundred and fifty dollars. Berkshire.

For the salary of the register of probate and insolvency for the county of Bristol, three thousand and twenty-five dollars. Bristol.

For the salary of the register of probate and insolvency for the county of Dukes County, seven hundred thirty-three dollars and thirty-three cents. Dukes County.

For the salary of the register of probate and insolvency for the county of Essex, thirty-two hundred eight dollars and thirty-three cents. Essex.

For the salary of the register of probate and insolvency for the county of Franklin, thirteen hundred and seventy-five dollars. Franklin.

For the salary of the register of probate and insolvency for the county of Hampden, twenty-three hundred eighty-three dollars and thirty-three cents. Hampden.

For the salary of the register of probate and insolvency for the county of Hampshire, fourteen hundred sixty-six dollars and sixty-six cents. Hampshire.

For the salary of the register of probate and insolvency for the county of Middlesex, thirty-six hundred sixty-six dollars and sixty-six cents. Middlesex.

For the salary of the register of probate and insolvency for the county of Nantucket, eight hundred and twenty-five dollars. Nantucket.

For the salary of the register of probate and insolvency for the county of Norfolk, twenty-one hundred eight dollars and thirty-three cents. Norfolk.

For the salary of the register of probate and insolvency for the county of Plymouth, seventeen hundred forty-one dollars and sixty-six cents. Plymouth.

For the salary of the register of probate and insolvency for the county of Suffolk, forty-five hundred eighty-three dollars and thirty-three cents. Suffolk.

Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, thirty-two hundred eight dollars and thirty-three cents.
Assistant register, Berkshire.	For the salary of the assistant register of probate and insolvency for the county of Berkshire, seven hundred thirty-three dollars and thirty-three cents.
Bristol.	For the salary of the assistant register of probate and insolvency for the county of Bristol, fifteen hundred twelve dollars and fifty cents.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, twenty-one hundred eight dollars and thirty-three cents.
Franklin.	For the salary of the assistant register of probate and insolvency for the county of Franklin, five hundred and fifty dollars.
Hampden.	For the salary of the assistant register of probate and insolvency for the county of Hampden, eleven hundred ninety-one dollars and sixty-six cents.
Hampshire.	For the salary of the assistant register of probate and insolvency for the county of Hampshire, six hundred forty-one dollars and sixty-six cents.
Middlesex.	For the salaries of the assistant registers of probate and insolvency for the county of Middlesex, forty-five hundred eighty-three dollars and thirty-three cents.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, ten hundred fifty-four dollars and sixteen cents.
Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-five hundred sixty-six dollars and sixty-six cents.
Worcester.	For the salary of the assistant register of probate and insolvency for the county of Worcester, twenty-one hundred eight dollars and thirty-three cents.
Clerical assistance, Bristol.	For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding three hundred sixty-six dollars and sixty-six cents.
Essex.	For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding three thousand seventy dollars and eighty-three cents.
Hampden.	For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding five hundred and fifty dollars.
Middlesex.	For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not

exceeding five thousand forty-one dollars and sixty-six cents.

For extra clerical assistance to the register of probate and insolvency for the county of Norfolk, a sum not exceeding eleven hundred dollars. Norfolk.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding eight hundred and twenty-five dollars. Plymouth.

For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding forty-six hundred and seventy-five dollars. Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding three thousand seventy dollars and eighty-three cents. Worcester.

For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, eleven hundred dollars. Clerk of register, Suffolk.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk county, a sum not exceeding ten thousand three hundred eighty-eight dollars and eighty-eight cents. Extra clerical assistance, etc.

For expenses of courts of probate and insolvency, a sum not exceeding thirty-two hundred eight dollars and thirty-three cents. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for the Suffolk district, forty-five hundred eighty-three dollars and thirty-three cents. District attorney, Suffolk.

For the salary of the first assistant district attorney for the Suffolk district, thirty-four hundred eighty-three dollars and thirty-three cents. First assistant.

For the salary of the second assistant district attorney for the Suffolk district, thirty-four hundred eighty-three dollars and thirty-three cents. Second assistant.

For the salary of the clerk of the district attorney for the Suffolk district, sixteen hundred and fifty dollars. Clerk.

For the salary of the district attorney for the northern district, twenty-seven hundred and fifty dollars. Northern district.

For the salary of the assistant district attorney for the northern district, eighteen hundred thirty-three dollars and thirty-three cents. Assistant.

Eastern district.	For the salary of the district attorney for the eastern district, twenty-two hundred dollars.
Assistant.	For the salary of the assistant district attorney for the eastern district, fourteen hundred sixty-six dollars and sixty-six cents.
Southeastern district.	For the salary of the district attorney for the southeastern district, twenty-two hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southeastern district, fourteen hundred sixty-six dollars and sixty-six cents.
Southern district.	For the salary of the district attorney for the southern district, twenty-two hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southern district, fourteen hundred sixty-six dollars and sixty-six cents.
Middle district.	For the salary of the district attorney for the middle district, twenty-two hundred dollars.
Assistant.	For the salary of the assistant district attorney for the middle district, fourteen hundred sixty-six dollars and sixty-six cents.
Western district.	For the salary of the district attorney for the western district, twenty-two hundred dollars.
Northwestern district.	For the salary of the district attorney for the northwestern district, twelve hundred thirty-seven dollars and fifty cents.
Travelling expenses, etc.	For travelling expenses necessarily incurred by the district attorneys and assistant district attorneys, except in the Suffolk district, a sum not exceeding thirteen hundred and seventy-five dollars.

LAND COURT.

Judge of land court.	For the salary of the judge of the land court, forty-one hundred and twenty-five dollars.
Associate judge.	For the salary of the associate judge of the land court, forty-one hundred and twenty-five dollars.
Recorder.	For the salary of the recorder of the land court, forty-one hundred and twenty-five dollars.
Clerical assistance.	For clerical assistance in the office of the land court, a sum not exceeding forty-eight hundred dollars.
Expenses.	For sheriff's bills, advertising, surveying, examining titles, and sundry incidental expenses, a sum not exceeding thirteen thousand seven hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

AN ACT TO AUTHORIZE ASSOCIATIONS OF FIREMEN TO PARADE WITH MUSIC ON THE SECOND SUNDAY OF JUNE. *Chap.139*

Be it enacted, etc., as follows:

SECTION 1. It shall be lawful for any company or association of firemen, whether in active service or former members of a fire department, to parade with music on the second Sunday of June in each year, that day being known as Firemen's Memorial Day, for the special purpose of decorating the graves of deceased firemen: *provided, however,* that the music shall be suspended in passing within two hundred feet of any place of public worship in which services are being held.

Associations of firemen may parade on the second Sunday of June.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND FIVE. *Chap.140*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the following purposes, to wit: —

Appropriations.

For current expenses at the state farm, the sum of sixty-eight hundred fifty-five dollars and ninety-nine cents.

State farm.

For laying a conduit at the Lyman school for boys, the sum of five hundred seventy dollars and seventy-four cents.

Lyman school for boys.

For expenses in connection with boarding out girls by the trustees of the Lyman and industrial schools, the sum of three hundred seven dollars and twenty-four cents.

Lyman and industrial schools.

For travelling and other expenses of the trustees of the Massachusetts Agricultural College, the sum of two hundred thirteen dollars and one cent.

Massachusetts Agricultural College.

For repairs of state highways under control of the highway commission, the sum of twenty-six hundred twenty-one dollars and eighty-six cents, to be paid out of the appropriation for repairs of state highways for the present year.

State highways.

For expenses in connection with licensing automobiles, the sum of nine hundred forty-five dollars and forty-five cents.

Automobiles.

Expenses of highway commission.	For travelling and other expenses of the state highway commission, postage, printing and necessary office expenses, five hundred twenty-five dollars and thirty-four cents.
State forester.	For expenses of the state forester, five hundred forty-four dollars and five cents.
Steamer Lexington.	For expenses of the steamer Lexington, the sum of two hundred dollars.
Land court.	For expenses of the land court, the sum of twenty-one hundred four dollars and three cents.
Tuition of certain school children.	For tuition of children attending a high school outside of the town in which they reside, the sum of four hundred dollars and fifty-five cents.
Purchase of paper.	For paper purchased for the use of the Commonwealth in doing the state printing, the sum of two thousand sixty-eight dollars and ninety-six cents.
Damages by wild deer.	For damages by wild deer, the sum of five hundred and twenty-five dollars.
State armories.	For expenses of state armories, the sum of thirty-six hundred thirty-eight dollars and seventy-five cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1906.

Chap. 141 AN ACT TO PREVENT THE EXTERMINATION OF THE HEATH HEN, SO-CALLED.

Be it enacted, etc., as follows:

Taking, etc., of the heath hen prohibited.	SECTION 1. It shall be unlawful to hunt, take or kill that species of pinnated grouse commonly called heath hen, and scientifically known as <i>Tympanuchus cupido</i> , or to buy, sell, otherwise dispose of, or have in possession the same or any part thereof, previous to the first day of November in the year nineteen hundred and eleven.
Repeal.	SECTION 2. So much of section four of chapter ninety-two of the Revised Laws as is inconsistent herewith is hereby repealed.
Penalty.	SECTION 3. Whoever violates any provision of this act shall be punished by a fine of one hundred dollars for each bird or part thereof in respect to which such violation occurs.
When to take effect.	SECTION 4. This act shall take effect five days after its passage.

Approved March 7, 1906.

AN ACT TO AUTHORIZE THE TOWN OF BRAINTREE TO PROVIDE *Chap.142*
FOR THE PAYMENT OF ITS WATER LOAN BY ANNUAL PRO-
PORTIONATE PAYMENTS.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and sixty-two of the acts of the year nineteen hundred and five is hereby amended by inserting after the word "five", in the eleventh line, the words: — or section six, — so as to read as follows: — *Section 1.* The town of Braintree, for the purpose mentioned in section one of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue notes, bonds or scrip, to be denominated on the face thereof, Braintree Water Loan, Act of 1905, to an amount not exceeding ten thousand dollars, in addition to the amounts heretofore authorized to be issued by said town for the purpose of supplying itself and its inhabitants with water. Such notes, bonds or scrip shall be issued upon the terms and conditions and with the powers specified in section five or section six of said chapter; and the whole amount of such notes, bonds or scrip, together with those heretofore issued by the town for the purpose of supplying itself and its inhabitants with water, shall not in any event exceed the sum of two hundred and sixty-six thousand dollars.

1905, 862, § 1,
amended.

Braintree
Water Loan,
Act of 1905.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1906.

AN ACT TO INCORPORATE THE EDGARTOWN WATER COMPANY. *Chap.143*

Be it enacted, etc., as follows:

SECTION 1. Thomas J. Walker, Charles H. Marchant, Walter S. Osborn, Benjamin G. Collins and William M. Butler, their associates and successors, are hereby made a corporation by the name of the Edgartown Water Company, for the purpose of supplying the inhabitants of the town of Edgartown, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Edgartown
Water
Company
Incorporated.

SECTION 2. Said corporation, for the purposes aforesaid; may take, by purchase or otherwise, and hold the

May take
certain lands,
etc.

waters, or so much thereof as may be necessary, of any ponds, springs, streams, wells or any filter galleries or wells that may be constructed upon the shore of any pond, or near to any spring or stream within the limits of the said town, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works: *provided, however*, that no source of water supply for domestic purposes or lands necessary for preserving the quality of such water shall be purchased or taken under this act without the consent of the state board of health, and that the location of all dams, reservoirs, wells or other works for collecting or storing water shall be subject to the approval of said board.

Proviso.

May lay
conduits,
pipes, etc.

SECTION 3. Said corporation may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and ways: *provided, however*, that said company shall not enter upon and dig up any public ways except with the approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board, of which at least ten days' notice shall be given by publishing an attested copy of said notice in a newspaper published in said town, if any, and by posting an attested copy of said notice in at least five public places in said town; but no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said company for the purpose of constructing extensions to its plant or of maintaining and repairing such conduits, pipes and other works.

Proviso.

Description of
lands, etc.,
to be recorded.

SECTION 4. Said corporation shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of

deeds for the county of Dukes County a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 5. Said corporation shall pay all damages to Damages, etc. property sustained by any person, firm or corporation by the taking of any land, right of way, water, water sources, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person, firm or corporation sustaining damages as aforesaid, who fails to agree with said corporation as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years from the taking of such land or other property or the doing of any other injury under authority of this act; but no such application shall be made after the expiration of the said three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act. Said corporation may by vote, from time to time, determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, and in such event said corporation shall be further liable only for the additional damages caused by such additional taking.

SECTION 6. Said corporation may distribute said water Distribution of water. through said town or any part thereof, and may regulate the use of the same and fix and collect water rates to be paid therefor. And said town, or any person, firm or corporation, or any fire district legally organized in said town, may make such contracts with said water company to supply water for the extinguishment of fires or for other purposes as may be agreed upon by the parties.

SECTION 7. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount Real estate and capital stock. fifteen thousand dollars; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Certificate of
payment of
capital to be
filed.

SECTION 8. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and, at the time of making the certificate, has been invested, signed and sworn to by the president, treasurer and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

May issue
bonds, etc.

SECTION 9. Said corporation may issue bonds and may secure the same by a mortgage of its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall be expended only in the extension of the works of the company and in payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Amount of
bonds to be
issued, etc

SECTION 10. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for
pollution of
water, etc.

SECTION 11. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under authority of this

act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

SECTION 12. The town of Edgartown shall have the right, at any time during the continuance of the charter hereby granted, to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total actual cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of five per cent per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total actual cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total actual cost. The town, on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized in this act; and the amount thus assumed shall be deducted from the total amount to be paid by said town to said corporation. An itemized statement of the receipts and expenditures of said corporation shall annually be submitted to the selectmen of the town of Edgartown, and by said selectmen to the citizens of said town. In case said town and said corporation are unable to agree upon the amount of the total actual cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town, the supreme judicial court shall ascertain and fix such total actual cost under the foregoing provisions of this act, and enforce the right of said town to take possession of such franchise, corporate property, rights and privileges, upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Town may take franchise, property, etc.

The town to assume outstanding obligations, etc.

Statement of receipts, etc., to be furnished annually.

The supreme judicial court may fix cost in certain cases.

Edgartown
Water Loan.

To provide for
payment of
loan in annual
payments, etc.

Board of water
commis-
sioners, elec-
tion, term, etc.

SECTION 13. Said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Edgartown Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding five per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall pay the interest upon said loan as it accrues, and shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

SECTION 14. Said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

SECTION 15. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Authority vested in water commissioners.

SECTION 16. This act shall take effect upon its passage, but shall become void unless said water company shall have begun to distribute water through its pipes to consumers in said town within three years after the date of its passage.

When to take effect.

Approved March 8, 1906.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE TOWN OF FAIRHAVEN MAY FILL CERTAIN LOW-LYING LAND, AND TO AUTHORIZE SAID TOWN TO IMPROVE CERTAIN ADDITIONAL LAND.

Chap. 144

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and six of the acts of the year nineteen hundred and three is hereby amended by adding at the end thereof the words: — The town may also fill in the manner hereinafter provided any low-lying land situated within the district bounded northerly by Linden avenue, easterly by Adams street, southerly by Bridge street, and westerly by Main street, with the consent of the owner thereof, and the town and the owner may agree in writing upon the terms relative to the payment of the cost thereof by the town and the owner, and relative to the manner, method and character of the work, — so as to read as follows: — *Section 1.* The town of Fairhaven may take by purchase or otherwise and hold any lands in said town, with the buildings and other fixtures thereon, situated within the district bounded northerly by Bridge street, thence easterly by Mulberry street, thence southerly by Christian street, thence easterly by Green street, thence southerly by Spring street, thence westerly by Main street, and also in the district bounded northerly by Pease street, thence easterly by Main street, thence southerly by Washington street, and thence westerly by Middle street. The town may also

1903, 106, § 1, amended.

Town of Fairhaven may take certain lands, etc.

May fill
certain land.

1908, 108, § 4,
amended.

To improve
lands, etc.

May dredge
the Acushnet
river.

take by purchase or otherwise any ponds and the land or flats under water within said districts, or either of them, any or all mill privileges therein, any streams flowing through said districts, or either of them, or emptying or discharging into any pond in said districts, and any rights or privileges in said ponds or streams. The town may also fill in the manner hereinafter provided any low-lying land situated within the district bounded northerly by Linden avenue, easterly by Adams street, southerly by Bridge street, and westerly by Main street, with the consent of the owner thereof, and the town and the owner may agree in writing upon the terms relative to the payment of the cost thereof by the town and the owner, and relative to the manner, method and character of the work.

SECTION 2. Section four of said chapter is hereby amended by inserting after the word "aforesaid", in the second line, the words: — or after entering into any agreement for the filling of lands as aforesaid, — by inserting after the word "taken", in the fifth line, the words: — or agreed to be filled, — by striking out the word "therein", in the eighth line, and inserting in place thereof the words: — in lands so taken, — and by inserting after the word "flats", in the ninth line, the words: — so taken, — so as to read as follows: — *Section 4.* Said town shall forthwith, after any purchase or taking as aforesaid, or after entering into any agreement for the filling of lands as aforesaid, fill with suitable material and otherwise improve any lands, ponds, flats, mill privileges, streams or rights or privileges in said districts, purchased or taken or agreed to be filled as aforesaid, or any part thereof, and shall abate any nuisance existing therein or arising therefrom. The town may lay out, widen, extend and construct streets, and construct sewers and drains in lands so taken, and may sell and convey or otherwise dispose of such lands and flats so taken, or any part thereof, and the proceeds shall be applied to the cost of the work authorized by this act. For the purposes of this section the town may dredge the Acushnet river, and may take by purchase or otherwise, in the manner provided in section one, the island situated in said river nearly opposite the outlet of the pond within said district, and commonly called Crow island, and may obstruct temporarily said river with appliances necessary or proper for said dredging or for using said island for said purposes. The town

may establish a grade for said districts, and may enter upon any land within said districts for the purpose of filling the land to said grade. It may, in doing the work authorized by this act, lay railroad tracks or pipes through any street in said town, and maintain them so long as may be necessary for transporting earth or other material for use in the work aforesaid.

May establish grade, etc.

SECTION 3. Section five of said chapter is hereby amended by striking out the following words constituting the last sentence thereof, "No petition for damages shall be filed within one year from the date of the taking or the date when the damage was sustained, and upon motion of the town the hearing upon the merits thereon shall be postponed until the completion of the work authorized by this act."

Damages.

SECTION 4. Section nine of said chapter is hereby amended by striking out the word "three", in the second line, and inserting in place thereof the word:—five,—so as to read as follows:—*Section 9.* The work authorized by this act shall be completed within five years after the date when the act takes effect, and all powers granted hereby which have not then been exercised shall thereupon cease and determine, and thereafter all property in said districts shall be subject to the general laws applicable thereto.

1908, 106, § 9, amended.

Work to be completed within five years, etc.

SECTION 5. This act shall take effect upon its passage.

Approved March 9, 1906.

AN ACT TO ESTABLISH A PART OF THE HARBOR LINE IN NEW BEDFORD HARBOR IN THE CITY OF NEW BEDFORD.

Chap. 145

Be it enacted, etc., as follows:

SECTION 1. The line hereinafter described at and near the westerly end of the New Bedford and Fairhaven bridge in New Bedford harbor in the city of New Bedford shall be and the same is hereby established as a harbor line beyond which no wharf, pier or other structure shall be extended into or over the tide waters of said harbor:—Beginning at a point in the harbor line established by chapter two hundred and sixty-nine of the acts of the year eighteen hundred and forty-eight at the northeast corner of the south spur of Rotch's wharf, now known as the City of New Bedford Wharf; thence running north-erly about three hundred and ten feet to a point six hun-

Harbor line in New Bedford harbor changed.

dred and eleven feet easterly from the easterly side line of Water street at its intersection with the north line of Elm street east of Water street; thence running northerly about four hundred and twenty-six feet to the south side of the New Bedford and Fairhaven bridge at a point eight and five tenths feet easterly from the face of the New Bedford abutment of said bridge at the level of ordinary high water; thence running northerly five hundred and ten feet to a point at or near the southeast corner of Wilcox and Richmond's wharf, five hundred and thirty-two feet easterly from the easterly side line of Water street; thence running northerly about three hundred and seventy-five feet to the point in the harbor line of the year eighteen hundred and forty-eight described as at the southeast corner of Samuel Rodman's wharf and five hundred and fifty-nine feet easterly from the east line of Water street.

Part of present harbor line superseded.

SECTION 2. That part of the harbor line in said harbor established by chapter two hundred and sixty-nine of the acts of the year eighteen hundred and forty-eight upon the portion of the harbor frontage covered by the line established by this act is hereby superseded.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1906.

Chap. 146 AN ACT RELATIVE TO THE BOUNDARY LINE OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Boundary marks not to be removed, etc.

SECTION 1. No person, except as hereinafter provided, shall remove, obliterate, deface or cover up any monument or mark designating the boundary line of the Commonwealth. Any person desirous of removing and replacing any such monument or mark may apply in writing to the board of harbor and land commissioners, who may grant permission therefor under its supervision, first making provision for preserving the exact location of the original boundary or mark, and also giving notice to the adjoining state of the time and place at which proposed action is to be taken. The monument shall be reset in the identical location from which it was removed, or at a convenient distance therefrom upon the boundary line. The board shall cause a full description of any change in such monument or mark to be recorded in the offices of clerks of the

Monuments to be reset.

contiguous cities or towns, and a copy thereof to be forwarded to the secretary of the Commonwealth.

SECTION 2. Any person who violates any provision of the preceding section, or who wilfully or maliciously disturbs or injures any monument or mark on the state boundary line shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than six months.

Penalty for disturbing monuments or marks.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1906.

AN ACT RELATIVE TO THE REMOVAL OF OFFICERS IN ATTENDANCE UPON THE SUPERIOR COURT. *Chap.147*

Be it enacted, etc., as follows:

SECTION 1. Officers appointed as court officers to be in attendance upon the sessions of the superior court in any county shall hold office during good behavior and until they are removed by the sheriff of the county for which they were appointed, for cause approved by a majority of the justices of the superior court.

Term of office of certain court officers.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1906.

AN ACT TO CHANGE THE NAME OF THE ESSEX COUNTY TRUANT SCHOOL TO THE ESSEX COUNTY TRAINING SCHOOL. *Chap.148*

Be it enacted, etc., as follows:

SECTION 1. The Essex County Truant School at Lawrence shall hereafter be called the Essex County Training School.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1906.

AN ACT RELATIVE TO THE SALARY OF THE OFFICER IN ATTENDANCE UPON THE SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF SUFFOLK. *Chap.149*

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter one hundred and sixty-four of the Revised Laws is hereby amended by striking out the word "fifteen", in the eleventh line, and inserting in place thereof the word: — seventeen, — so as to read as follows: — *Section 33.* The judges of

R. L. 164, § 33, amended.

Appointment
of officer to
attend sessions
of probate
court, etc.

Salary.

When to take
effect.

probate and insolvency for the county of Suffolk shall appoint an officer to attend the sessions of the probate court and court of insolvency, and may at any time, for a cause which they consider sufficient, remove him, and may fill any vacancy caused by removal or otherwise. Such officer shall give bond in the sum of one thousand dollars for the faithful performance of his duties payable to the treasurer of the county of Suffolk, with sufficient sureties who shall be approved by a judge of said court. Such officer may serve the orders, precepts and processes issued by said courts or by a judge thereof. He shall be paid by the county, in monthly instalments, a salary of seventeen hundred dollars a year.

SECTION 2. This act shall take effect from the first day of January in the year nineteen hundred and six.

Approved March 9, 1906.

Chap.150 AN ACT RELATIVE TO THE HOUSE FOR THE EMPLOYMENT AND REFORMATION OF JUVENILE OFFENDERS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Name changed,
etc.

SECTION 1. The name of the House for the Employment and Reformation of Juvenile Offenders in the City of Boston shall hereafter be the Suffolk School for Boys, and all acts relating to said house shall apply to the Suffolk School for Boys; and any child committed to or held in said house shall be held in said school as if committed thereto.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1906.

Chap.151 AN ACT RELATIVE TO THE LICENSING OF MINORS TO ENGAGE IN CERTAIN OCCUPATIONS IN CITIES.

Be it enacted, etc., as follows:

R. L., 65, § 17,
etc., amended.

Section seventeen of chapter sixty-five of the Revised Laws, as amended by chapter five hundred and thirty-one of the acts of the year nineteen hundred and two is hereby further amended by striking out the words "city of Boston", in the tenth line, and inserting in place thereof the words: — cities of the Commonwealth, — and by striking out the words "committee of that city", in the eleventh

line, and inserting in place thereof the words: — committees of said cities, — so as to read as follows: — *Section 17.* The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of boot-blackening by minors and to the sale by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen, and may prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *provided*, that in the case of persons under the age of fourteen years in the cities of the Commonwealth the foregoing powers shall be vested in and exercised by the school committees of said cities. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the provisions of said regulations shall be punished by a fine of not more than ten dollars for each offence.

Regulation of sale of certain goods by minors, etc.

Proviso.

Penalty.

Approved March 9, 1906.

AN ACT TO AUTHORIZE THE CITY OF MALDEN TO ESTABLISH A STREET AND WATER COMMISSION. *Chap. 152*

Be it enacted, etc., as follows:

SECTION 1. The mayor and aldermen of the city of Malden shall, within sixty days after the acceptance of this act, as provided in section four hereof, appoint three persons to be members of the street and water commission, whose terms of office shall expire March one, nineteen hundred and seven, March one, nineteen hundred and eight and March one, nineteen hundred and nine, respectively, and shall thereafter before March first in each year appoint one person to serve for three years as a member of said commission. The members of said commission shall hold their office until others shall be chosen and qualified in their stead. Vacancies may be filled by the mayor and aldermen at any time, and removals may be made by them for cause. The persons so appointed shall constitute the street and water commission of the city of Malden, and they shall receive such compensation as the city council shall determine.

Street and water commission in the city of Malden, appointment, etc.

Vacancies, etc.

SECTION 2. All the powers and duties vested by existing laws in the board of street commissioners and the board of water commissioners of the said city shall vest in and be exercised and performed by the street and water

Powers and duties.

commission after the appointment and qualification of its members. The appointment and qualification of said street and water commissioners shall abolish the board of street commissioners and the board of water commissioners.

Board of street commissioners, etc., abolished.

SECTION 3. Said commission is authorized, subject to the provisions of chapter nineteen of the Revised Laws, and acts in amendment thereof and in addition thereto, to appoint its agents and employees, define their duties and fix their compensation, and in general to do all things necessary to a proper performance of their duties. Said commission shall not incur or authorize any expenditure without a previous appropriation therefor by the city council.

Appointment of agents, etc.

SECTION 4. This act shall be submitted to the city council of the city, and shall take effect upon its acceptance by a two thirds vote of the members present and voting, in each branch, with the approval of the mayor.

Approved March 12, 1906.

Chap. 153 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

North metropolitan system of sewage disposal.

SECTION 1. A sum not exceeding one hundred fifteen thousand nine hundred eighty-six dollars and fifty cents is hereby appropriated, to be paid out of the North Metropolitan System Maintenance Fund, for the maintenance and operation of the system of sewage disposal for the cities and towns included in what is known as the north metropolitan system, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1906.

Chap. 154 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL.

Be it enacted, etc., as follows:

South metropolitan system of sewage disposal.

SECTION 1. A sum not exceeding eighty-seven thousand three hundred and seventy-five dollars is hereby appropriated, to be paid out of the South Metropolitan System Maintenance Fund, for the cost of maintenance and operation of the south metropolitan system of sewage disposal,

comprising a part of Boston, the cities of Newton and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the eleven months ending on the thirtieth day of November, nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1906.

AN ACT RELATIVE TO THE INAUGURATION OF THE CITY GOVERNMENT AND THE FINANCIAL YEAR OF THE CITY OF MELROSE.

Chap. 155

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter one hundred and sixty-two of the acts of the year eighteen hundred and ninety-nine, being the charter of the city of Melrose, is hereby amended by striking out the words "at ten o'clock in the forenoon", in the second and third lines, so as to read as follows:— *Section 10.* The mayor and the aldermen elect shall annually on the first Monday in January meet and be sworn to the faithful discharge of their duties. The oath shall be administered, at their first meeting after the acceptance of this act by the town clerk, and in subsequent years by the city clerk, or in the absence of either by any justice of the peace, and shall be certified and entered on the journal of the board of aldermen. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him, and at any time thereafter in like manner the oath of office may be administered to any alderman who has been previously absent or has subsequently been elected; and every such oath shall be certified and entered as aforesaid.

1899, 192, § 10,
amended.

Meeting of
mayor and
aldermen,
oath of office,
etc.

SECTION 2. Section forty-two of said chapter is hereby amended by striking out the words "the following February", in the seventh line, and inserting in place thereof the word:— January, — so as to read as follows:— *Section 42.* The mayor shall in the month of January of each year cause to be made to him by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the

1899, 192, § 42,
amended.

Estimates of
expenses, etc.

first day of January, and he shall, not later than the first week in February, transmit such estimates to the board of aldermen, recommending appropriations for each department or purpose, as he shall deem necessary therefor.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1906.

Chap.156 AN ACT TO CHANGE THE FINANCIAL YEAR OF THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

1908, §45, § 29,
amended.

Estimates of
expenses, etc.

SECTION 1. Section twenty-nine of chapter three hundred and forty-five of the acts of the year nineteen hundred and three is hereby amended by striking out the word "Monday", in the seventh line, and inserting in place thereof the word: — day, — so as to read as follows: — *Section 29.* The mayor shall cause to be made to him in the month of January of each year by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of January; and he shall, not later than the tenth day of February, transmit such estimates to the board of aldermen, recommending such appropriations for each department or purpose as he shall deem necessary therefor.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1906.

Chap.157 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HOLDEN AND PAXTON.

Be it enacted, etc., as follows:

Boundary line
between
Holden and
Paxton.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Holden and Paxton: — Beginning at a granite monument standing at the corner of the towns of Holden, Paxton and Rutland, in latitude forty-two degrees, twenty minutes, fifty-two and ninety-two hundredths seconds, and longitude seventy-one degrees, fifty-five minutes, nine and twenty-seven one hundredths seconds; thence north eighty-one degrees, forty-three minutes east, true bearing, thirty-six hundred and fifty feet to a point four feet south of

the southern end of a wall and three hundred and fifty feet south of Pine Hill reservoir; thence south nineteen degrees, twenty-four minutes east, true bearing, three thousand and two feet to a rough granite monument standing in woodland at the southeast corner of a wall; thence south sixty-nine degrees, twenty-four minutes west, true bearing, eleven hundred and eighty-nine feet to a rough granite monument standing in woodland at the northwest corner of a wall; thence south nineteen degrees, forty-one minutes east, true bearing, eighteen hundred and seventy-three feet to a peaked granite monument standing in a wooded swamp; thence south sixty-seven degrees, thirty-one minutes west, true bearing, twenty-two hundred and fifty-seven feet to a rough granite monument standing on the easterly side of the east road from Paxton to Rutland; thence south twenty degrees, forty-eight minutes east, true bearing, seventy-seven hundred and seventy-six feet to a granite boulder standing in woodland on the easterly slope of Little Asnebumskit hill; thence north eighty-six degrees, forty-four minutes east, true bearing, one hundred and seventy-six feet to a rough granite monument; thence south twenty degrees, thirty-three minutes east, true bearing, sixty-eight hundred and sixty-four feet to a granite monument standing on a wooded hill; thence north seventy-five degrees, forty-two minutes east, true bearing, twenty-seven hundred and twenty-three feet to a rough granite monument standing at a junction of walls; thence south forty-two degrees, fifty-five minutes east, true bearing, fifteen feet to a rough granite monument standing at the south corner of a wall; thence north fifty-three degrees, five minutes east, true bearing, three hundred and eighty-eight feet to a rough granite monument standing at a junction of a fence and wall; thence south fifty-nine degrees, thirty-two minutes east, true bearing, four hundred and forty-one feet to a rough boulder standing on the westerly side of the Silver Springs road and on the southerly side of a lane; thence south ten degrees, forty-three minutes west, true bearing, six hundred and thirty-two feet to a rough granite monument standing on the westerly side of the Silver Springs road nearly opposite W. E. Hazall's dwelling; thence south one degree west, true bearing, seven hundred and ninety-nine feet to a rough granite monument standing on the westerly side of the Silver Springs road; thence south forty-seven degrees, thirty-

Boundary line
between
Holden and
Paxton.

Boundary line
between
Holden and
Paxton.

seven minutes west, true bearing, nine hundred and thirty-six feet to a rough boulder standing at a junction of walls; thence south forty-two degrees, fifty-three minutes east, true bearing, twenty-six hundred and ninety-one feet to a granite monument standing at the corner of the towns of Holden and Paxton and the city of Worcester, in latitude forty-two degrees, seventeen minutes, eleven and seventy-four hundredths seconds, and longitude seventy-one degrees, fifty-two minutes, thirty-three and ten hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1906.

Chap. 158 AN ACT TO PROHIBIT THE POLLUTION OF THE CHARLES RIVER
WITHIN THE METROPOLITAN PARKS DISTRICT.

Be it enacted, etc., as follows:

The state
board of
health may
prohibit the
discharge
of sewage into
Charles river,
etc.

SECTION 1. The state board of health is hereby authorized, upon the petition of the metropolitan park commission, or the mayor of any city or the selectmen of any town within the metropolitan parks district, and after notice to all parties interested and a hearing, to prohibit the entrance or discharge of sewage into that part of the Charles river within the present boundaries of said metropolitan parks district, and to prevent the entrance or discharge of every other substance, except surface or storm water, into said river within said parks district which may be injurious to public health, or may tend to create a public nuisance, or to obstruct the flow of water within said parks district, including all waste or refuse from any factory or other establishment where persons are employed, unless the owner thereof shall use the best practicable and reasonably available means to render such waste or refuse harmless.

Jurisdiction.

SECTION 2. The supreme judicial court or any justice thereof and the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and any order made by the state board of health in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1906.

AN ACT TO AUTHORIZE THE GOVERNOR TO DESIGNATE THE
CHAIRMAN OF THE CIVIL SERVICE COMMISSION. Chap.159

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter nineteen of the Revised Laws is hereby amended by inserting after the word "party", in the sixth line, the words: — The chairman of the commission shall at all times be such one of the three commissioners as the governor shall designate, — so as to read as follows: — *Section 1.* The governor shall annually, in May or June, with the advice and consent of the council, appoint a civil service commissioner for a term of three years from the first Monday of July following. All appointments shall be so made that not more than two commissioners shall at the time of any appointment be members of the same political party. The chairman of the commission shall at all times be such one of the three commissioners as the governor shall designate. Each commissioner shall be paid five dollars for each day's service and his travelling and other expenses incurred in the performance of his official duties.

R. L. 19, § 1,
amended.

Civil service
commission,
appoint-
ment, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1906.

AN ACT TO AUTHORIZE THE SALE OF THE FRANCHISE AND
PROPERTY OF THE BERKSHIRE RAILROAD COMPANY TO THE
NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COM-
PANY. Chap.160

Be it enacted, etc., as follows:

SECTION 1. The Berkshire Railroad Company may sell its franchise and property to the New York, New Haven and Hartford Railroad Company, and that company may purchase such franchise and property, upon such terms and conditions as may be agreed to by the directors of said corporations, respectively, and approved by the board of railroad commissioners and by votes of the shareholders of said corporations, respectively: *provided, however,* that the vote of the selling corporation shall be a vote of two thirds in interest of all the shareholders thereof; and upon such purchase the purchaser shall become subject to and held to pay all the debts and to perform all the duties and obligations of the seller.

The Berkshire
Railroad Com-
pany may sell
its franchise,
etc.

Proviso.

Dissenting
stockholders
to file a decla-
ration, etc.

Proviso.

Determination
of value of
shares, etc.

The commis-
sioners' report
to be conclu-
sive as to
value, etc.

SECTION 2. Every stockholder of the selling corporation shall be deemed to assent to the purchase authorized by this act, unless within sixty days after the date of the meeting of the selling corporation at which said sale shall be approved, he shall file with the clerk of the seller a writing declaring his dissent therefrom and stating the number of shares held by him and the number or numbers of the certificate or certificates evidencing the same: *provided, however*, that, as against any stockholder legally incapacitated from acting for himself and having no legal guardian, said period of sixty days shall not begin to run until the removal of such incapacity by the appointment of a legal guardian or otherwise. The shares of any stockholder dissenting as above specified shall be acquired by the seller and shall be valued, and the value thereof shall be paid or tendered or deposited to or for account of such stockholder in the manner following: — Within sixty days after the filing of any stockholder's dissent, as above provided, the seller shall file its petition with the supreme judicial court sitting within and for the county of Suffolk, setting forth the material facts and praying that the value of such dissenting stockholder's shares may be determined. Thereupon, after such notice to all parties concerned as it may deem proper, said court shall pass an order requiring such dissenting stockholder's certificate of stock to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of such dissenting stockholder's shares. Such report shall be made to the court as soon as practicable, and, after due notice to the parties in interest, shall be accepted by the court, unless before such acceptance either of the parties to said proceeding shall claim a trial by jury, in which case the court shall order the value of said shares to be tried and determined by a jury in the same manner as other civil cases are tried in said court. The said commissioners' report, or such verdict when accepted by the court, shall be final and conclusive as to the value of such dissenting stockholder's shares, and the amount so ascertained as such value shall at once be paid or tendered to such stockholder; or, if such payment or tender be impracticable, the money shall be paid into court. Upon such payment or tender or deposit the shares of such dissenting stockholder and the certificate or certificates thereof shall become the property of the seller, whose right and

title thereto may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order of said court, to be heard and determined by the full court as in other civil cases. Said court may make all such orders for the enforcement of the rights of any party to the proceedings, for the consolidation of two or more petitions and their reference to the same commissioners, for the consolidation of claims for a trial by jury and the trial of two or more cases by the same jury, for the deposit of money in court, and for the payment of interest upon the value of the stockholder's shares, as determined, and the payment of costs by one party to the other, as justice and the speedy settlement of the matters in controversy may require.

Exceptions to order of court, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1906.

AN ACT TO AUTHORIZE THE HOOSAC VALLEY STREET RAILWAY COMPANY TO ENTER INTO CONTRACTS AND LEASES WITH STREET RAILWAY COMPANIES OPERATING OUTSIDE THE COMMONWEALTH, AND TO SELL POWER TO STREET RAILWAY COMPANIES OR TO PURCHASE IT THEREFROM.

Chap. 161

Be it enacted, etc., as follows:

SECTION 1. The Hoosac Valley Street Railway Company is hereby authorized to contract with any street railway company organized under the laws of, and authorized to operate a street railway within, any state adjacent to the Commonwealth of Massachusetts, the railway of which connects, intersects or forms a continuous line with its railway, for the performance by either company to such contract of, and either of such companies is hereby authorized to perform, all the work of transportation upon and over the railway of the other company; and said Hoosac Valley Street Railway Company may take a lease of all the property, rights, privileges, easements and franchises of any such street railway company organized under the laws of, and authorized to operate a street railway within, any state adjacent to the Commonwealth of Massachusetts, the railway of which connects, intersects or forms a continuous line with its railway, or may lease its property, rights, privileges, easements and franchises to such other street railway company; but such contract or lease shall not be valid or binding until its terms have

The Hoosac Valley Street Railway Company may contract with railways in adjacent states, etc.

been agreed to by a majority of the directors of each company, and have been approved by the vote of a majority in interest of the stockholders of each of said companies, at meetings called for the purpose, and have also been approved by the board of railroad commissioners.

May generate,
etc., elec-
tricity, etc.

SECTION 2. Said Hoosac Valley Street Railway Company is hereby authorized, for all purposes necessary or incident to the construction, maintenance and operation of an electric street railway, to generate, manufacture, use and transmit electricity in any city or town wherein it now is, or may hereafter be, entitled to operate a street railway, and for that purpose may erect and maintain poles, trolley, feed and stay wires, and other devices for conducting electricity in, over and under any streets, highways, bridges and town ways in any of such cities and towns, and upon and over any private land, with the consent of the owners thereof, and may sell to or purchase from any street railway company organized under the laws of the Commonwealth of Massachusetts, or of the states of Vermont or New York, electricity for all the purposes aforesaid, but said company shall not generate, manufacture, use, transmit, purchase or sell electricity for light, heat or power for use within this Commonwealth, except for street railway purposes.

SECTION 3. This act shall take effect upon its passage.

Approved March 15, 1906.

Chap. 162 AN ACT RELATIVE TO THE MAINTENANCE OF PINE BANKS PARK BY THE CITIES OF MALDEN AND MELROSE.

Be it enacted, etc., as follows:

1906, 333, § 7,
amended.

Appropriations for
maintenance
of Pine Banks
Park, etc.

SECTION 1. Section seven of chapter three hundred and ninety-three of the acts of the year nineteen hundred and five is hereby amended by inserting after the word "part", in the thirteenth line, the words: — of one per cent, — so as to read as follows: — *Section 7.* The cities of Malden and Melrose shall in their annual appropriation bills each appropriate and place at the disposal of said board one half of the amount determined by said board to be necessary for the maintenance of said property for that year, and set forth in its annual report as provided in section six. If either of said cities shall in any year fail to make such appropriation, the said board shall upon the written request of said donors or their heirs or devisees who may

then hold their estate, reconvey said property to said heirs or devisees free from all trusts; but the amount required of each city by said board to work a forfeiture shall not in any year exceed one one hundred and fiftieth part of one per cent of the assessed valuation for the preceding year of the city having the smaller assessed valuation. Said cities may, if in their judgment the proper maintenance or improvement of said property shall require it, appropriate in equal amounts and place at the disposal of said board sums in excess of the amount which said board is hereby authorized to require of said cities.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1906.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO ALTER, RELOCATE, WIDEN AND CHANGE THE GRADE OF BELMONT AND SHREWSBURY STREETS OVER LAND OF THE COMMONWEALTH AND OF THE BOSTON AND ALBANY RAILROAD COMPANY. *Chap. 163*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and twenty-two of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "Commonwealth", in the seventh line, the words: — and land belonging to the Boston and Albany Railroad Company, the New York Central and Hudson River Railroad Company, lessee, — and by inserting after the word "Laws", in the tenth line, the words: — and the provisions of law relating to the alteration, relocation, widening and change of grade of ways over land belonging to railroad companies, — so as to read as follows: — *Section 1.* The city council of the city of Worcester may alter, relocate, widen and change the grade of Belmont street from Lake Quinsigamond to Shrewsbury street, and of Shrewsbury street from Belmont street to Washington Square, to a width of not more than one hundred feet, over such land of the Worcester insane hospital and other land belonging to the Commonwealth and land belonging to the Boston and Albany Railroad Company, the New York Central and Hudson River Railroad Company, lessee, as said city council may determine; notwithstanding the provisions of sections seventeen and nineteen of chapter fifty-three of the Revised Laws and the provisions of law relating to the altera-

1906, 422, § 1,
amended.

City council
may relocate,
etc., certain
streets, etc.

Certain provisions of law to apply.

tion, relocation, widening and change of grade of ways over land belonging to railroad companies. Such alteration, relocation, widening and change of grade shall be as nearly as possible along the present line of said streets, and shall be subject to the approval of the governor and council. Claims for damages may be made as in cases of the laying out of highways over lands of individuals, and the same shall be settled in the manner now provided by law for such cases. All other provisions of law relative to the alteration, relocation, widening and change of grade of streets and highways in the city of Worcester shall apply to the proceedings hereby authorized.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1906.

Chap. 164 AN ACT RELATIVE TO THE WATER SUPPLY SYSTEM OF THE TOWN OF AMESBURY.

Be it enacted, etc., as follows:

The town of Amesbury may take certain waters, etc.

SECTION 1. The town of Amesbury, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may hold and convey through the said town by means of existing or other pipes or mains, all or any part of the waters which became the property of said town by reason of its vote of June twenty-seventh, nineteen hundred and five, to purchase all the property, rights and privileges of the Powow Hill Water Company, and may also from time to time take, by purchase or otherwise and hold in fee all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water, for conveying the same to any part of said town, and for extending the present system of water supply; and may take, by purchase or otherwise, the whole or any part of the waters of any pond, brook, spring, well or stream within the limits of said town, and all waters connected therewith, and may obtain water by means of bored, driven, artesian or other wells on any land within the limits of said town: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the advice and consent of the state board of health, and that no lands, except those lands which became the property of said town by reason of its said vote of June twenty-seventh, nineteen hundred and five,

Providso.

shall be purchased or taken for the protection of the purity of the said waters without the approval of the said board, after a hearing.

SECTION 2. Said town may erect and maintain on any lands purchased, taken or held as aforesaid, including those lands which became the property of said town by reason of its said vote of June twenty-seventh, nineteen hundred and five, proper dams, reservoirs, buildings, fixtures or other structures, may establish fountains and hydrants, may make excavations, procure and operate machinery, may maintain and operate the water works and other property which became the property of said town by reason of its said vote, and may provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and for the purposes aforesaid may construct and lay conduits, pipes and other works, under, through or over any lands, water courses, railroads, railways, and public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and of maintaining and repairing existing conduits, pipes or other works, and for all other proper purposes of this act, said town may dig up any such lands, or dig under any such water courses, railroads or railways, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel; but said town shall not enter upon the location of any railroad corporation, or construct or lay any conduits, pipes or other works therein, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the lands so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as it shall deem for the best interests of the town.

May maintain structures, lay pipes, etc.

Title to lands to vest in the town.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, water, water sources, water rights or easements as aforesaid, otherwise than by purchase or agreement, file and cause to be recorded in the registry of deeds for the southern district of the county of Essex a description thereof sufficiently

Description of lands, etc., to be recorded.

accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purpose for which the same were taken.

Damages, etc.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way, water, water sources, water rights or easements, or by any other thing done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid and failing to agree with said town as to the amount thereof, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within the period of three years after the taking of such land or property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said three years.

Town of
Amesbury
Water Loan,
Act of 1906.

SECTION 5. Said town, for the purpose of paying the purchase price of the property, rights and privileges of the said Powow Hill Water Company, together with all expenses incident to such purchase, may incur indebtedness and may issue therefor from time to time bonds, notes or scrip to an amount sufficient for such purposes, to be determined by the board of water commissioners hereinafter provided for. Such bonds, notes or scrip shall bear on their face the words, Town of Amesbury Water Loan, Act of 1906, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, shall be payable as to both principal and interest in gold coin of the United States of the present standard of weight and fineness, and shall be signed by the treasurer and countersigned by a majority of the selectmen of the town. Said town by its selectmen and treasurer may sell such securities for the purposes of this act, upon such terms and conditions as they shall deem proper: *provided*, that they shall not be sold for less than the par value thereof.

Proviso.

Payment of
loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not more than three years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed,

a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating the water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed, until the debt incurred by said loan is extinguished.

SECTION 7. The occupant of any tenement shall be liable for the payment of rates for the use of water therein, and in case of non-payment by the occupant the owner shall also be liable for all sums so due, to be collected in an action of contract brought in the name of the town of Amesbury.

Liability for
payment of
rates.

SECTION 8. Said town shall, after the passage of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office from the time of such election, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. Nominations for such commissioners shall be made, ballots and other apparatus for their election provided, and elections for such officers conducted, in accordance with the provisions of law applicable for the time being to elections in the said town of officers required to be elected by ballot. All the authority granted to the town by this act and not otherwise provided for shall be vested in said board of water commissioners, and a majority of them shall constitute a quorum for the transaction of business.

Water commis-
sioners, elec-
tion, term, etc.

SECTION 9. The said water commissioners shall from time to time fix such prices or rates for the water or the use thereof, including hydrant rentals, as shall produce annually, as nearly as may be, an amount sufficient to defray all current operating expenses, including maintenance, all interest charges and payments on principal as they accrue upon any bonds, notes or scrip issued by the said town for the purpose of supplying itself or its inhabitants with water, and an additional amount of not more than three thousand dollars per year for new con-

Water commis-
sioners to fix
rates, etc.

struction. If the rates should produce at the close of any fiscal year a surplus over the above amounts, such surplus shall be paid into the treasury of the town. The time and manner of paying such rates shall be prescribed by the said water commissioners.

Penalty for
diverting
water, etc.

SECTION 10. If any person shall use any water belonging to the town without the consent of the town, or shall wantonly or maliciously divert such water, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, hydrant, machinery or other works or property held, owned or used by the town under the authority of this act or of any existing statute, he shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

SECTION 11. This act shall take effect upon its passage.

Approved March 16, 1906.

Chap.165 AN ACT TO PROHIBIT EXPECTORATION IN CERTAIN PUBLIC PLACES AND CONVEYANCES.

Be it enacted, etc., as follows:

Expectoration
in certain
public places
prohibited.

SECTION 1. No person shall expectorate or spit on any public sidewalk, or, except in receptacles provided for the purpose, upon the floor in any city or town hall, in any court house or court room, in any public library or museum, in any church or theatre, in any lecture or music hall, in any ferry boat or steamboat, in any railroad car, except a smoking car, in any railway car, in any railroad or railway station or waiting room or on any sidewalk or platform connected therewith.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not more than twenty dollars.

Approved March 16, 1906.

Chap.166 AN ACT TO AUTHORIZE SPECIAL JUSTICES OF POLICE, DISTRICT OR MUNICIPAL COURTS TO PERFORM ONE ANOTHER'S DUTIES.

Be it enacted, etc., as follows:

R. L. 180, § 44,
amended.

SECTION 1. Section forty-four of chapter one hundred and sixty of the Revised Laws is hereby amended by in-

serting after the word "justices", in the first line, the words: — and special justices, — so as to read as follows: — *Section 44.* Justices and special justices of police, district or municipal courts, except the municipal court of the city of Boston, may perform each other's duties when they find it necessary or convenient.

Interchange
of services.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1906.

AN ACT RELATIVE TO THE USE OF PARKS ON THE CHARLES RIVER.

Chap.167

Be it enacted, etc., as follows:

SECTION 1. The cities of Cambridge and Newton and the town of Watertown, by a majority of the board of park commissioners therein, or, if there is no such board, by such officer or officers as the council of the cities, or the selectmen of the town, may designate, may lease or otherwise provide for locations for boat houses, landings and floats in, upon, under and over any part of the lands or waters of the Charles river owned or controlled or which may hereafter be owned or controlled by said cities or town, respectively, for such considerations and rentals and upon such terms, conditions, restrictions, provisions or agreements as such park commissioners or such officer or officers acting in the premises may deem best, providing no such lease shall be given for a term exceeding twenty years.

Locations for
boat houses,
etc., on certain
parts of the
land or waters
of Charles
river, etc.

SECTION 2. Nothing herein contained shall be deemed to abridge the authority of the metropolitan park commission under chapter four hundred and sixty-five of the acts of the year nineteen hundred and three or any other power or authority now possessed by said commission, nor the authority of the city of Boston under chapter three hundred and sixty-five of the acts of the year eighteen hundred and ninety-seven.

Authority of
metropolitan
park commis-
sion not
abridged.

SECTION 3. This act shall take effect upon its passage.

Approved March 16, 1906.

AN ACT RELATIVE TO TOWN MEETINGS IN THE TOWN OF ARLINGTON

Chap.168

Be it enacted, etc., as follows:

SECTION 1. At all town meetings held in the town of Arlington the town shall use a system of registering turn-

Turnstiles to
be used at
town meetings
in Arlington.

stiles for determining the number of persons admitted to each meeting. The selectmen shall appoint officers to have charge of the turnstiles, and shall determine from them the number of persons admitted to each meeting, and at the adjournment thereof shall make a return to the town clerk under oath, which may be administered by him, of the number of persons who have been admitted to such meeting, as registered by such turnstiles. The town clerk shall immediately make a record of such return in the records of the meeting, which record shall have the same legal force and effect as the records of the proceedings of the meeting. All such returns shall be preserved by the town clerk until at least twenty days after the final adjournment or dissolution of the meeting to which they relate, and shall be open to public inspection.

Returns to be preserved.

Certain votes to be submitted to voters for ratification.

SECTION 2. Any vote passed at an original or adjourned town meeting to which four hundred or more persons shall have been admitted shall, upon petition, be submitted to the voters at large for ratification at a subsequent town meeting, as hereinafter provided, except that votes for moderator, or for any town, county, state or national officer, or on any proposition on which by any special or general law of the Commonwealth a ye or nay vote is required to be taken by ballot, shall be final. No vote subject to ratification under the provisions of this act shall take effect until the expiration of the time herein limited for filing a petition for ratification; nor, if such petition be filed, until after such vote shall be ratified in the manner hereinafter provided.

Selectmen to call town meeting on petition of fifty voters.

SECTION 3. If within five days after the final adjournment or dissolution of such town meeting a petition addressed to the selectmen shall be filed with the town clerk, signed by at least fifty legal voters of the town, requesting that any vote or votes passed at such meeting, except the final votes before mentioned, be submitted to the voters of the town for ratification, then the selectmen shall, after the expiration of said five days, forthwith call a town meeting for the sole purpose of so submitting such vote or votes. In case two or more votes passed at a town meeting relate to one subject-matter, and a petition is filed as aforesaid for the ratification of one or more such votes, the selectmen may in their discretion submit, in addition to those for which petitions are filed, any or all of the votes relating to the same subject-matter; and for

this purpose a vote to borrow money shall be held to relate to the same subject-matter as the vote or votes to appropriate the money to be borrowed. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than nine o'clock in the evening, and a vote shall be taken by ballot upon the question, " Shall the following vote (or votes) passed at the town meeting (or at the adjourned town meeting) held on the

Question to be
voted on.

day of 19 , be ratified? Vote:

". Any vote or votes submitted for ratification, as aforesaid, receiving a majority of the votes cast thereon, shall be considered to be ratified, otherwise such vote or votes shall have no force or effect: *provided*, that if any vote required for its original passage more than a majority of the votes cast, then a like proportion of votes shall be required for ratification.

SECTION 4. Every petition filed as aforesaid shall forthwith be examined by the town clerk, who shall ascertain therefrom the number of legal voters whose signatures are attached thereto, and shall make a record thereof, and such record, together with a copy of the petition, exclusive of the names affixed thereto, shall be inserted in the records of the meeting for ratification of the vote or votes named in the petition, which record shall have the same legal force and effect as the record of the proceedings of such meeting. All such petitions shall be preserved by the town clerk until at least twenty days after the final adjournment or dissolution of said meeting, and during that period shall be open to public inspection.

Petition to be
examined by
town clerk, etc.

Petitions to be
preserved.

SECTION 5. It shall be the duty of the selectmen of the town to prepare the ballots to be used at such town meetings, and the conduct of such meetings shall be under their charge, subject to the laws relating to elections, so far as the same may be applicable.

Selectmen to
conduct
meetings, etc.

SECTION 6. A meeting shall be held for the purpose of submitting the question of the acceptance of this act to the legal voters of the town at some time within two years after the passage hereof. At such meeting the polls shall be open not less than eight hours, and the vote shall be taken by ballot as in the case of the annual town election, in answer to the question, " Shall an act passed by the general court in the year nineteen hundred and six, entitled ' An Act relative to town meetings in the town of Arlington ', and providing for the ratification of certain

Town to vote
on question of
acceptance of
act.

May be again
submitted.

When to take
effect.

votes passed at such meetings, be accepted by the town?" and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at any meeting so held this act shall fail to be accepted, it may, at the expiration of three months after any such previous meeting, be submitted again for acceptance, but not after the period of two years from the passage of this act.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the town shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of the town as herein prescribed.

Approved March 16, 1906.

Chap.169

AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MANUFACTURE OR PURCHASE ELECTRICITY FOR USE IN ITS WATER SUPPLY DEPARTMENT.

Be it enacted, etc., as follows:

The town of
West Spring-
field may
manufacture
or purchase
electricity, etc.

The town of West Springfield is hereby authorized to manufacture or purchase electricity for use in its water supply department, and to erect poles and wires for the conveyance of electricity for that purpose in, under or over any public or private ways or lanes in said town. The said town, for the purpose aforesaid, may take, by purchase or otherwise, and hold any such lands, easements and rights of way as may be needed therefor. Such taking shall be in the manner provided by chapter two hundred and six of the acts of the year eighteen hundred and ninety-three, and the town shall be liable for all damages to property sustained by any person or corporation by reason of any taking or other act made or done under authority hereof.

Approved March 16, 1906.

Chap.170

AN ACT RELATIVE TO THE AMOUNT OF REAL AND PERSONAL ESTATE WHICH MAY BE HELD BY THE COMMISSIONERS OF THE BOSTON FIREMEN'S RELIEF FUND.

Be it enacted, etc., as follows:

1880, 107, § 4,
amended.

SECTION 1. Section four of chapter one hundred and seven of the acts of the year eighteen hundred and eighty is hereby amended by striking out the word "two", in the seventh line, and inserting in place thereof the word:—four,—so as to read as follows:—*Section 4.* The

mayor of the city of Boston for the time being and his successors in office, the board of fire commissioners of the city of Boston for the time being and their successors in office, shall together continue a body corporate for the purposes of receiving and holding all sums of money, and real and personal estate not exceeding in the aggregate four hundred thousand dollars which may be given, granted, bequeathed or devised to it for the benefit of members of the Boston Fire Department or their families requiring assistance, or for the benefit of any persons or the families of any persons who have been such members requiring assistance. The property so held shall be known as The Boston Firemen's Relief Fund. The said body corporate shall have authority to manage and dispose of the same and the income thereof according to their best discretion, subject to the provisions of any and all trusts which may be created for the purposes aforesaid. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to similar corporations.

Mayor and fire commissioners to hold certain fund.

The Boston Firemen's Relief Fund.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1906.

AN ACT TO INCREASE THE ANNUAL PAYMENT TO THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Chap. 171

Be it enacted, etc., as follows:

SECTION 1. There shall be paid annually, on or before the first day of July, to the treasurer of the Massachusetts State Firemen's Association the sum of fifteen thousand dollars, to be used by the association for the relief of firemen who may be injured in the performance of their duty at fires or in going to or returning from fires, and for the relief of widows and children of firemen killed in the performance of their duty, in the manner and to the amount to be determined by a board of five persons, three of whom, not members of said association, shall be appointed by the governor, and two of whom shall be appointed by said association.

Allowance to the Massachusetts State Firemen's Association.

SECTION 2. The treasurer of said association shall give a bond in the sum of thirteen thousand five hundred dollars, with sureties approved by the treasurer and receiver general, for the faithful performance of his duties.

Treasurer to give bond.

Repeal.

SECTION 3. Chapter one hundred and eight of the acts of the year nineteen hundred and two and all other acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 16, 1906.

Chap.172 AN ACT TO REGULATE BY LICENSE THE CARRYING OF CONCEALED WEAPONS.

Be it enacted, etc., as follows:

Licenses may be granted for carrying concealed weapons, etc.

SECTION 1. The justice of a court, or trial justices, the board of police or mayor of a city, or the selectmen of a town, or persons authorized by them, respectively, may, upon the application of any person, issue a license to such person to carry a loaded pistol or revolver in this Commonwealth, if it appears that the applicant has good reason to fear an injury to his person or property, and that he is a suitable person to be so licensed.

Penalty for carrying concealed weapon without permission.

SECTION 2. Whoever, except as provided by the laws of this Commonwealth, carries on his person a loaded pistol or revolver, without authority or permission as provided in section one of this act, or whoever carries any stiletto, dagger, dirk-knife, slung-shot or metallic knuckles, shall upon conviction be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment.

Approved March 16, 1906.

Chap.173 AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF THE COMMONWEALTH'S FLATS AT SOUTH BOSTON.

Be it enacted, etc., as follows:

Improvement of the Commonwealth's flats at South Boston.

SECTION 1. For the purpose of enforcing and executing the provisions and requirements of existing laws relating to the Commonwealth's flats at South Boston, and for the payment of money which may be needed to carry out the provisions of chapter two hundred and thirty-nine of the acts of the year eighteen hundred and seventy-five, the sum of five hundred thousand dollars is hereby appropriated from the Commonwealth's Flats Improvement Fund, established by chapter two hundred and thirty-seven of the acts of the year eighteen hundred and seventy-eight.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1906.

AN ACT TO ESTABLISH A BOARD OF SURVEY FOR THE TOWN OF WAKEFIELD. *Chap. 174*

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Wakefield shall constitute a Board of Survey for the town.

Board of Survey for Wakefield. •

SECTION 2. Any person or corporation desiring to lay out, locate or construct any street or way in said town after the passage of this act shall, before beginning such construction, submit to said board of survey suitable plans of such street or way, to be prepared in accordance with such rules and regulations as the board may prescribe. Upon the receipt of such plans, with a petition for their approval, the board shall give a public hearing thereon, after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the town, the last publication to be at least two days before the hearing; and after such hearing the board may alter such plans and may determine where such street or way shall be located, and the widths and grades thereof, and shall so designate on said plans. The plans shall then be approved and signed by the board and filed in the office of the clerk of the town, who shall attest thereon the date of such filing.

Plans of streets and ways to be submitted to the board.

Public hearing to be given.

Plans to be approved, etc.

SECTION 3. The board of survey shall from time to time cause to be made under its direction plans of such territory or sections of land in said town as the board may deem advisable, showing thereon the location of such streets or ways, whether already laid out or not, as the board shall be of opinion that the present or future interests of the public will require in such territory, and showing clearly the directions, widths and grades of each street or way; and the board may employ such assistants and incur such expense in regard to said plans as it may deem necessary, not exceeding the amount of money appropriated by the town for the purpose. Before making any such plan the board shall give a public hearing as to the locations, directions, widths and grades of streets or ways in the territory to be shown on the plan, after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the town, the last publication to be at least two days before the hearing, and shall after making any such plan give a like

Plans showing location of streets and ways, etc.

Public hearing.

notice of hearing, and a hearing thereon, and keep the plan open to public inspection for one month after the first publication of notice of such hearing. After such hearing, and after the alterations deemed necessary by the board have been made in such plan, the plan shall be marked as made under the provisions of this act, shall be signed by the board, and shall then be filed in the office of the clerk of the town, who shall attest thereon the date of such filing.

Certain powers
of selectmen
not abridged.

Construction
of streets and
ways, etc.

Proviso.

Erection, etc.,
of buildings
at grades other
than those
filed, etc.

SECTION 4. The powers of the board of selectmen of said town in regard to highways shall not be abridged by this act in any manner, except as provided in this section, and the powers given to them by this act shall be in addition to the powers now possessed by them. After the passage of this act no street or way in the town of Wakefield, shown on any plan filed as aforesaid, shall be laid out, located anew, altered or widened, and no such street or way, whether already or hereafter laid out, shall be constructed by any public authority, except in accordance with the provisions of this act. If any person or corporation shall hereafter open for public travel any private way the location, direction, widths and grades of which have not previously been approved in writing by the board of survey in the manner provided in this act, then neither the town nor any other public authority shall place any public sewer, drain, water pipe or lamp in, or do any public work of any kind on, such private way so opened to public travel contrary to the provisions of this act: *provided, however*, that these provisions shall not prevent the laying of a trunk sewer, water or gas main, if it be required by engineering necessities.

SECTION 5. If any building shall hereafter be placed or erected in said town within the boundaries of any street or way shown on any plan filed with the town clerk as herein provided, or on land adjacent to any such street or way the grade of which at the time of placing or erecting such building is other than the grade shown on such plan, or on land adjacent to any street or way the plan and profile of which have not been approved by said board of survey, no damages caused to any building so placed or erected, by the construction of such street or way as shown on said plans, or caused to any building so placed or erected, or to the land upon which such building is placed or erected, by the subsequent change of grade of

any street or way the plan of which has not been approved by said board of survey, shall be recovered by or paid to the owner of the whole or any part of the estate of which the land upon which said building so placed or erected formed a part at the date of the first publication of notice of hearing as aforesaid.

SECTION 6. Said town may from time to time appropriate sums of money to be expended by the board of survey for carrying out the provisions of this act; but no expenditures shall be made in excess of such appropriations. Appropriations.

SECTION 7. Said board of survey, its officers and agents, may, so far as they deem it necessary in carrying out the provisions of this act, enter upon any lands, and there make such examinations and surveys and place and maintain such monuments and marks, as they may deem necessary; and any person sustaining damages to property by such entry or by such placing and maintaining, who fails to agree with the town as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways in said town, on application at any time within one year after such entry or such placing and maintaining. Lands may be entered upon, etc.

SECTION 8. This act shall not be construed to authorize any taking or condemnation of land, or to render the town liable for damages of any kind, except for making entries upon land and for placing and maintaining monuments and marks as authorized by section seven, nor to authorize the said town to lay out or to construct any way located on any of said plans, until such way has been laid out as a highway under other provisions of law. Taking or condemnation of land.

SECTION 9. This act shall take effect upon its passage.

Approved March 19, 1906.

AN ACT RELATIVE TO THE SETTLEMENT OF ESTATES OF ABSENTEES. Chap. 175

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word "debts", in the fifth line, the words: — and claims for alimony, — so as to read as follows: — R. L. 144, § 9, amended.
Section 9. The court may order said property or its pro-

Allowance to
widow and
children, etc.

ceeds acquired by mortgage, lease or sale to be applied in payment of charges incurred or that may be incurred in the support and maintenance of the absentee's wife and minor children, and to the discharge of such debts and claims for alimony as may be proved against said absentee.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1906.

Chap. 176 AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES, BEYOND THE LIMIT FIXED BY LAW.

Be it enacted, etc., as follows:

1900, 58, § 1,
amended.

SECTION 1. Section one of chapter fifty-eight of the acts of the year nineteen hundred is hereby amended by striking out the words "beyond its debt limit", in the sixth line, and inserting in place thereof the words:—in addition to the amount heretofore authorized by law,—and by inserting after the word "rate", in the eleventh line, the words:—not exceeding four per cent per annum,—so as to read as follows:—*Section 1.* The city of Taunton, for the purposes mentioned in section one of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five and acts in addition thereto, may incur indebtedness from time to time to an amount not exceeding four hundred thousand dollars, in addition to the amount heretofore authorized by law, and may issue bonds, notes, scrip or certificates of debt therefor, to be denominated on the face thereof, Taunton Sewer Loan. Said bonds, notes, scrip or certificates of debt shall be payable within such period, not exceeding thirty years from the date thereof, and shall bear interest at such rate, not exceeding four per cent per annum, as the city council of said city shall determine. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall apply to the indebtedness hereby authorized and to the securities issued therefor.

Taunton
Sewer Loan.

P. S. 29, etc.,
to apply.

Annual
payments.

SECTION 2. The board of aldermen of said city may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in said chapter fifty-eight, and thereafter, without further action by the board of aldermen, the amount required for

such payments shall be assessed by the assessors of the city in each year in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt so incurred by the city is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1906.

AN ACT RELATIVE TO THE IMPROVEMENT OF SCHOOL BUILDINGS IN THE TOWN OF RANDOLPH.

Chap.177

Be it enacted, etc., as follows:

SECTION 1. The town of Randolph is hereby authorized to purchase land and to erect thereon a high school building, and also to improve and repair its present school buildings, and to expend for these purposes a sum not exceeding thirty thousand dollars.

The town of Randolph may purchase land and erect a high school building.

SECTION 2. For the above purposes the said town may issue notes, bonds or scrip, to be denominated on the face thereof, Randolph School Building Loan, Act of 1906, to an amount not exceeding thirty thousand dollars. Such notes, bonds or scrip shall be payable within such period, not exceeding twenty years, as the selectmen of the town shall determine. They shall be signed by the selectmen and by the treasurer of the town, and shall be governed by the provisions of chapter twenty-seven of the Revised Laws and of all acts in amendment thereof or in addition thereto, except that they shall not exceed the statutory limit of indebtedness of the town by more than eighteen thousand dollars.

Randolph School Building Loan, Act of 1906.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1906.

AN ACT RELATIVE TO APPROPRIATIONS BY THE TOWN OF WESTFIELD FOR THE NOBLE HOSPITAL.

Chap.178

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter two hundred and sixty of the acts of the year eighteen hundred and ninety-three, incorporating the Trustees of Noble Hospital, is hereby amended by striking out the word "one", in the second line, and inserting in place thereof the word:— five,— so as to read as follows:— *Section 5.* The town of Westfield is hereby authorized to raise by taxation sums

1898, 280, § 5, amended.

Appropriation for support of Noble Hospital.

of money not exceeding five thousand dollars in any one year, and to appropriate the same towards the support and maintenance of said hospital.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1906.

Chap.179 AN ACT RELATIVE TO THE TRANSPORTATION AND SALE OF
PIKE-PERCH.

Be it enacted, etc., as follows:

Close season
for pike-perch,
etc.

SECTION 1. No person shall kill within this Commonwealth, between the first day of February and the first day of June in any year, any fish known as pike-perch; and no company, firm or person shall transport into or within this Commonwealth any of the said fish caught between the said dates, wherever the same were caught.

Fish killed,
etc., may be
confiscated.

SECTION 2. The commissioners on fisheries and game and their deputies are hereby authorized to seize and confiscate fish killed or transported in violation of the preceding section, and it shall be the duty of every officer designated in section four of chapter ninety-one of the Revised Laws to seize fish so killed or transported, and to report the seizure to the said commissioners, who shall authorize the sale of such fish; and the proceeds of any such sale, after paying the expenses of the sale, shall be paid into the treasury of the Commonwealth.

Penalty.

SECTION 3. Any company, firm or person violating the provisions of this act shall be liable to a penalty of fifty dollars, and of ten dollars additional for each fish killed or transported in violation of the provisions of this act.

SECTION 4. This act shall take effect upon its passage.

Approved March 20, 1906.

Chap.180 AN ACT TO AUTHORIZE MAGISTRATES TO ADMIT TO BAIL ON
THE LORD'S DAY.

Be it enacted, etc., as follows:

R. L. 217, § 62,
amended.

Chapter two hundred and seventeen of the Revised Laws is hereby amended by striking out section sixty-two and inserting the following new section in place thereof:—

Bail on the
Lord's day.

Section 62. Persons held in custody or committed upon a criminal charge, if entitled to be released upon bail, may, in the discretion of the magistrate, be admitted to bail on the Lord's day.

Approved March 20, 1906.

AN ACT RELATIVE TO THE LARCENY OF DOMESTIC ANIMALS. *Chap.181*

Be it enacted, etc., as follows:

Section thirty-seven of chapter two hundred and eight of the Revised Laws is hereby amended by inserting after the word "takes", in the second line, the words:—any domesticated animal, or,—so as to read as follows:—

R. L. 208, § 37,
amended.

Section 37. Whoever, without the consent of the owner and with a felonious intent, takes any domesticated animal, or a beast or bird which is ordinarily kept in confinement and is not the subject of larceny at common law, shall be guilty of larceny. *Approved March 20, 1906.*

Larceny of
beast or bird.

AN ACT TO AUTHORIZE THE TOWN OF DANVERS TO REFUND ITS WATER DEBT. *Chap.182*

Be it enacted, etc., as follows:

SECTION 1. The town of Danvers is hereby authorized to issue notes or bonds to the amount of fifty-seven thousand dollars, as follows:—Seven thousand dollars payable not later than April first, nineteen hundred and nine; six thousand dollars payable not later than April first, nineteen hundred and thirteen; twenty-two thousand dollars payable not later than April first, nineteen hundred and nineteen; two thousand dollars payable not later than April first, nineteen hundred and twenty; two thousand dollars payable not later than April first, nineteen hundred and twenty-one; two thousand dollars payable not later than April first, nineteen hundred and twenty-two; two thousand dollars payable not later than April first, nineteen hundred and twenty-three; four thousand dollars payable not later than April first, nineteen hundred and twenty-four; two thousand dollars payable not later than April first, nineteen hundred and twenty-five; two thousand dollars payable not later than April first, nineteen hundred and twenty-seven; two thousand dollars payable not later than April first, nineteen hundred and twenty-eight; two thousand dollars payable not later than April first, nineteen hundred and twenty-nine; two thousand dollars payable not later than April first, nineteen hundred and thirty, bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum. The proceeds shall be applied only to the payment, redemption

The town of
Danvers may
issue notes,
etc.

or exchange of notes or bonds heretofore issued by the town under the authority of chapter one hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, and now held by the water commissioners of Danvers as a part of the sinking fund of the Danvers water department and being non-negotiable; but no purchaser of such notes or bonds or any part thereof shall be responsible or answerable for such application of the proceeds. Said notes or bonds shall be signed by the treasurer and countersigned by the selectmen of the town.

Sinking fund.

SECTION 2. The sinking fund established heretofore by the town of Danvers to provide for the payment of indebtedness incurred by the town under said chapter one hundred and ninety-one shall be continued and maintained for the payment of any notes or bonds issued by authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1906.

Chap.183 AN ACT TO AID FREE PUBLIC LIBRARIES IN THE SMALL TOWNS.

Be it enacted, etc., as follows:

Aid to certain
free public
libraries.

The board of free public library commissioners may annually expend a sum not exceeding two thousand dollars in aid of free public libraries, especially in those towns the valuation of which does not exceed six hundred thousand dollars. Such aid may include the furnishing of books in small quantities, visits to libraries, the instruction of librarians, and such other means of encouraging and stimulating the small libraries as said commissioners shall deem advisable: *provided*, that a full detail of expenditures under this act shall be printed in the annual report of the commissioners.

Proviso.

Approved March 21, 1906.

Chap.184 AN ACT RELATIVE TO THE ANNUAL REPORT OF THE STATE BOARD OF INSANITY.

Be it enacted, etc., as follows:

R. L. 87, § 4,
amended.

SECTION 1. Section four of chapter eighty-seven of the Revised Laws is hereby amended by striking out the word "except", in the fifth line, and inserting in place thereof the word: — including, — so as to read as follows: — *Section 4.* The report shall contain a properly classified and

Report of
state board of
insanity.

tabulated statement of the receipts and expenses of the board, and of each of the several state institutions under its supervision for said year, and a corresponding classified and tabulated statement of their estimates for the year ensuing, including estimates for the ordinary expenses, with its opinion as to the necessity or expediency of appropriations in accordance with said estimates; a concise review of the work of the several institutions under the supervision of the board, for the year preceding, and such suggestions and recommendations as to said institutions and as to the general interests of all persons under its supervision as it considers expedient, and information embodying the experience of this country and other countries, relative to the best and most successful methods of caring for such persons as come under the supervision of the board.

Contents of report.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1906.

AN ACT RELATIVE TO THE SALE AND TRANSPORTATION OF CERTAIN ANIMALS. Chap. 185

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person holding an auctioneer's license to receive or offer for sale or to sell at public auction any horse which by reason of debility, disease or lameness, or for other cause, could not be worked in this Commonwealth without violating the laws against cruelty to animals.

Auctioneer not to sell a broken down or diseased horse, etc.

SECTION 2. It shall be unlawful for any person to lead, ride or drive on any public way, for any purpose except that of conveying the animal to a proper place for its humane keeping or killing, or for medical or surgical treatment, any horse which, by reason of debility, disease or lameness, or for other cause, could not be worked in this Commonwealth without violating the laws against cruelty to animals.

Certain horses not to be led, etc., except, etc.

SECTION 3. Any licensed auctioneer violating any provision of this act shall forfeit his license, and any person violating any provision of this act shall be punished by a fine of not less than five nor more than one hundred dollars, or by imprisonment for not more than six months.

Penalty.

Approved March 21, 1906.

Chap. 186 AN ACT TO AUTHORIZE THE TOWN OF HYDE PARK TO ISSUE ADDITIONAL BONDS, NOTES OR SCRIP FOR PURCHASING THE FRANCHISE AND PROPERTY OF THE HYDE PARK WATER COMPANY.

Be it enacted, etc., as follows:

1894, § 9, amended.

Hyde Park Water Loan.

Sinking fund.

SECTION 1. Section nine of chapter ninety-one of the acts of the year eighteen hundred and eighty-four, entitled "An Act to incorporate the Hyde Park Water Company", is hereby amended by striking out the words "two hundred", in the sixth line, and inserting in place thereof the words: — four hundred and fifty, — and also by striking out the word "six", in the eleventh line, and inserting in place thereof the word: — four, — so as to read as follows: — *Section 9.* The said town, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate four hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Hyde Park Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per centum per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan, and shall be used for no other purpose.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

AN ACT RELATIVE TO THE JURISDICTION OF MASTERS IN CHANCERY. *Chap.187*

Be it enacted, etc., as follows:

SECTION 1. Masters in chancery shall hereafter have jurisdiction and the right to act in any and every county.

Masters in chancery, jurisdiction, etc.

SECTION 2. The provisions of this act shall apply to all masters in chancery now appointed and commissioned; and hereafter all appointments of masters in chancery shall be made and their commissions shall be issued for the Commonwealth.

To apply to those now in commission.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1906.

AN ACT TO EXTEND THE EXISTENCE OF THE GLADES ASSOCIATION. *Chap.188*

Be it enacted, etc., as follows:

SECTION 1. The Glades Association shall be and remain a body corporate for the period of ten years after the expiration of its present charter, subject to the provisions of all laws now or hereafter in force relating to such corporations.

Corporate existence of the Glades Association extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

AN ACT RELATIVE TO THE CARE OF TUBERCULOUS PATIENTS IN THE CITY OF BOSTON. *Chap.189*

Be it enacted, etc., as follows:

SECTION 1. The trustees of the new hospital for consumptives in the city of Boston, pending the erection of said hospital, are hereby authorized to hire not more than one hundred beds in private hospitals, and to pay not more than five dollars a week each for the same, for the use of needy tuberculous patients who are residents of the said city.

Care of tuberculous patients in Boston.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

Chap.190 AN ACT RELATIVE TO THE LICENSING OF OUTDOOR EXHIBITIONS AND PUBLIC ENTERTAINMENTS.

Be it enacted, etc., as follows:

R. L. 102, § 176,
amended.

Skating rinks,
etc., to be
licensed.

Section one hundred and seventy-six of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "skating", in the fifth line, the words:— and carrousels, inclined railways, ferris wheels and outdoor exhibitions of fire fighting for the amusement of the public,— and by adding at the end thereof the words:— and to the provisions of law relating to the observance of the Lord's day,— so as to read as follows:— *Section 176.* The mayor and aldermen of any city except Boston, and in Boston, the board of police, and the selectmen of any town, may grant a license to any person to establish, keep open and maintain a skating rink to be used for the amusement of roller skating, and carrousels, inclined railways, ferris wheels and outdoor exhibitions of fire fighting for the amusement of the public, for hire, gain or reward upon such terms, conditions and regulations as they deem proper, subject to the provisions of sections one hundred and eighty-six to one hundred and eighty-nine, inclusive, and to the provisions of law relating to the observance of the Lord's day.

Approved March 24, 1906.

Chap.191 AN ACT RELATIVE TO THE CONTRACTORS MUTUAL LIABILITY INSURANCE COMPANY.

Be it enacted, etc., as follows:

Time in which
The Con-
tractors
Mutual Lia-
bility Insur-
ance Company
may begin to
issue policies
extended.

The period during which The Contractors Mutual Liability Insurance Company, incorporated by chapter two hundred and thirty-four of the acts of the year nineteen hundred and five, is authorized to begin to issue policies, is hereby extended so that said company may begin to issue policies at any time prior to the first day of March in the year nineteen hundred and seven, subject to the provisions of its act of incorporation.

Approved March 24, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A MESSENGER *Chap.192*
OF THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. There shall be a messenger of the municipal court of the city of Boston, to be appointed by the justices of said court, or by a majority of them, who shall receive an annual salary of seventeen hundred dollars.

Messenger,
municipal
court, city of
Boston,
appointment,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

AN ACT TO ESTABLISH THE SALARY OF THE MESSENGER OF *Chap.193*
THE COURT OF PROBATE AND INSOLVENCY FOR THE COUNTY
OF MIDDLESEX.

Be it enacted, etc., as follows:

SECTION 1. The salary of the messenger of the court of probate and insolvency for the county of Middlesex shall be thirteen hundred dollars per annum, to be so allowed from the first day of January in the year nineteen hundred and six, and payable in equal monthly instalments. He shall also receive ten cents a mile for travel out and home once a week during his attendance upon the court, and he shall, at his own expense, provide a uniform such as the court may order.

Salary of
messenger of
probate court,
county of
Middlesex.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE SECOND *Chap.194*
DISTRICT COURT OF SOUTHERN WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. There shall be appointed by the governor, with the advice and consent of the council, a clerk of the second district court of southern Worcester, who shall perform the duties and have the powers prescribed by law in the case of clerks of like courts in this Commonwealth.

Office of clerk,
second district
court of
southern
Worcester,
established.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

Chap.195 AN ACT TO AUTHORIZE THE CLERK OF THE SECOND DISTRICT COURT OF EASTERN MIDDLESEX TO EMPLOY TEMPORARY CLERICAL ASSISTANTS.

Be it enacted, etc., as follows:

Clerical assistance to clerk of the second district court of eastern Middlesex.

SECTION 1. The clerk of the second district court of eastern Middlesex, on the certificate of the justice that the same is necessary, may from time to time employ temporary clerical assistants, at an expense not exceeding two hundred dollars a year, for whose acts he shall be responsible, and persons so employed may be discharged at his pleasure or at the pleasure of the court, and shall be paid by the county treasurer upon a bill approved by the court and by the county commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

Chap.196 AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE FOR THE CLERK OF THE FIRST DISTRICT COURT OF ESSEX.

Be it enacted, etc., as follows:

Clerical assistance to clerk of the first district court of Essex.

SECTION 1. The clerk of the first district court of Essex shall be allowed for clerical assistance, upon his certificate stating the time occupied and the name of the person or persons by whom the work was performed, provided the justice of said court shall certify that the work was necessary and was actually performed, such sums, not exceeding six hundred dollars in any one year, as the county commissioners for the county of Essex may approve. Said sums shall be paid monthly from the treasury of the county to the person or persons employed.

When to take effect.

SECTION 2. This act shall take effect upon its passage, but shall cease to be operative whenever an assistant clerk of said court is appointed. *Approved March 24, 1906.*

Chap.197 AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE FOR THE CLERK OF THE FIRST DISTRICT COURT OF NORTHERN WORCESTER.

Be it enacted, etc., as follows:

Clerical assistance to clerk of the first district court of northern Worcester.

SECTION 1. The clerk of the first district court of northern Worcester shall be allowed for clerical assistance, upon his certificate stating the time occupied and the name of the person or persons by whom the work was performed, provided the justice of said court shall certify

that the work was necessary and was actually performed, such sums not exceeding one hundred and fifty dollars in any one year as the county commissioners for the county of Worcester may approve. Such sums shall be paid quarterly from the treasury of the county to the person or persons employed.

SECTION 2. This act shall take effect upon its passage, but shall cease to be operative whenever an assistant clerk of said court is appointed. *Approved March 24, 1906.*

When to take effect.

AN ACT RELATIVE TO THE PARADING OF FOREIGN TROOPS.

Chap. 198

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and fifty-three of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five is hereby amended by inserting after the word "teachers", in the twentieth line, the words:— that foreign troops whose admission to the United States has been consented to by the United States government may, with the consent of the governor, drill and parade with firearms in public,— so as to read as follows:— *Section 153.* No body of men, except the volunteer militia, the troops of the United States and the Ancient and Honorable Artillery Company of Boston, shall maintain an armory or associate together at any time as a company or organization, for drill or parade with firearms; nor so drill or parade; nor shall any city or town raise or appropriate money toward arming, equipping, uniforming, supporting, or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for escort duty at the burial of deceased soldiers, with the written permission of the mayor and aldermen of the city or selectmen of the town in which they desire to parade; that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers; that foreign troops whose admission to the United States has been consented to by the United States government may, with the consent of the governor, drill

1905, 465, § 153, amended.

Drilling, etc., with firearms prohibited in certain cases.

Proviso.

Foreign troops may parade, etc., in certain cases.

and parade with firearms in public; and any body of men may, with the consent of the governor, drill and parade in public with any harmless imitation of firearms which has been approved by the adjutant general; that regularly organized posts of the grand army of the republic, and regularly organized camps of the legion of Spanish war veterans, may at any time parade in public their color guards of not more than twelve men, armed with firearms; that regularly organized camps of the sons of veterans may at any time parade in public their color guards of ten men with firearms; and that any organization heretofore authorized thereto by law may parade with sidearms, and any veteran association composed wholly of past members of the militia of this Commonwealth may maintain an armory for the use of the organizations of the militia to which its members belonged.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1906.

Chap. 199 AN ACT RELATIVE TO THE TRUSTEES OF THE MINISTERIAL FUND IN THE FIRST PARISH IN CAMBRIDGE.

Be it enacted, etc., as follows:

1816, 74, § 2,
amended.

Election of
members.

SECTION 1. Chapter seventy-four of the acts of the year eighteen hundred and sixteen is hereby amended by striking out section two and inserting in place thereof the following:—*Section 2.* The first parish in Cambridge may, if it sees fit, at any meeting thereof, duly warned for the purpose, choose seven persons belonging to said parish to be members of said corporation known as The Trustees of the Ministerial Fund in the first parish in Cambridge, who shall hold office until their successors shall be chosen and qualified.

1816, 74, § 2,
amended.

Record of
property, etc.

SECTION 2. Said chapter seventy-four is hereby further amended by striking out section nine and inserting in place thereof the following:—*Section 9.* Said trustees shall cause to be recorded in their book of records, by their clerk, a correct statement of the property in their hands, and shall report to the parish at its annual meeting the receipts and disbursements for the preceding year, and the assets of said fund.

Repeal.

SECTION 3. Section eleven of said chapter seventy-four is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1906.

AN ACT RELATIVE TO STATE AID FOR HIGH SCHOOLS IN SMALL TOWNS. *Chap.200*

Be it enacted, etc., as follows:

SECTION 1. If a town of less than five hundred families maintains a high school of its own of the character described in section two of chapter forty-two of the Revised Laws, and employs at least two teachers therein, it shall be entitled to receive annually from the treasury of the Commonwealth toward the support of such high school the sum of five hundred dollars. State aid for high schools in certain towns.

SECTION 2. So much of section three of said chapter forty-two, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two, as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and seven. When to take effect.

Approved March 26, 1906.

AN ACT RELATIVE TO SERVICE OF PROCESS IN CERTAIN ACTIONS. *Chap.201*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-eight of chapter one hundred and sixty-seven of the Revised Laws is hereby amended by adding at the end thereof the following:—except that when a county, city, town, parish or religious society is summoned as a trustee, or the proprietors of wharves, general fields or real estate lying in common are summoned as trustees, by a writ which is issued by a trial justice, a police, district or municipal court, the writ shall be served seven days at least before the return day, — so as to read as follows:—*Section 28.* The writ in an action against a county, city, town, parish or religious society, or against proprietors of wharves, general fields or real estate lying in common, shall be served thirty days at least before the return day, except that when a county, city, town, parish or religious society is summoned as a trustee, or the proprietors of wharves, general fields or real estate lying in common are summoned as trustees, by a writ which is issued by a trial justice, a police, district or municipal court, the writ shall be served seven days at least before the return day. R. L. 167, § 28, amended. Service upon certain corporations.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1906.

Chap.202 AN ACT TO AUTHORIZE THE CITY OF CHICOPEE TO MAKE A
BRIDGE LOAN.

Be it enacted, etc., as follows:

Chicopee and
West Spring-
field Bridge
Loan.

SECTION 1. The city of Chicopee may issue notes, scrip or bonds in excess of the statutory debt limit to an amount not exceeding sixty-seven thousand five hundred dollars, to be designated on the face thereof, Chicopee and West Springfield Bridge Loan. Such notes, scrip or bonds shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be payable at such time, not exceeding thirty years from the date thereof, as shall be determined by the city by vote of its board of aldermen, and as shall be expressed on the face of such notes, scrip or bonds. The proceeds of said loan shall be used in payment of the expenses imposed upon the city of Chicopee under the provisions of chapter three hundred and ninety-eight of the acts of the year nineteen hundred and four, being "An Act to provide for the construction of a bridge over the Connecticut River between the City of Chicopee and the Town of West Springfield." Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

R. L. 27
to apply.

May provide
for annual
payments.

SECTION 2. The board of aldermen of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act, and thereafter, without further action by said board, the amount required for such payments shall be assessed by the assessors of the city in each year, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt so incurred by the city is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1906.

AN ACT RELATIVE TO ARREST AND EXAMINATION ON CIVIL *Chap. 203*
PROCESS.

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter one hundred and sixty-eight of the Revised Laws is hereby amended by striking out the words "unless one of the parties requests that it be wholly or partially in writing", in the seventh and eighth lines, and inserting in place thereof the words: — or in writing, at the discretion of the court, — so as to read as follows: — *Section 20.* If the judgment debtor appears before the magistrate at the time and place named, he shall be examined on oath upon the charges specified in said notice to him. Such examination may be in the presence of the magistrate or otherwise as he shall order, and when completed, if in writing, shall be signed and sworn to by the debtor, and shall be preserved by the magistrate. The examination and hearing shall be oral or in writing, at the discretion of the court, and either party may introduce additional evidence. If the debtor fails to appear at the examination or, if appearing, fails to comply with all lawful orders of the magistrate, or if the truth of one at least of charges two to six, inclusive, specified in section seventeen, is proved to the satisfaction of the magistrate, the arrest may be authorized upon the original execution or upon an alias or other successive execution issuing on the same judgment. If the time for the return of the execution expires while the examination is pending, the arrest may be authorized upon an alias or other successive execution, in like manner and for the same reasons as upon the original execution. If the time for the return of the execution or of an alias or other successive execution, issuing on the same judgment, expires after a certificate authorizing an arrest has been affixed thereto, and before such arrest has been made thereon, a copy of said original certificate, made and certified by the clerk of the court or by the magistrate issuing such execution, shall be affixed to any such alias or other successive execution, and such copy shall have the same force and effect as the original certificate.

R. L. 168, § 20,
amended.

Examination
of judgment
debtor.

Arrest may be
authorized.

SECTION 2. Section forty-one of said chapter one hundred and sixty-eight is hereby amended by striking out

R. L. 168, § 41,
amended.

the words "shall, if required by either party, be", in the eighth line, and inserting in place thereof the words: — may be, at the discretion of the court, oral or, — and by inserting after the word "which", in the ninth line, the word: — latter, — so as to read as follows: — *Section 41.* If the defendant or debtor has given notice that he desires to take the oath for the relief of poor debtors, the magistrate shall examine him on oath relative to his property, the disposal thereof and his ability to pay the debt or satisfy the cause of action for which he is arrested; and either party may introduce additional evidence. The plaintiff or creditor may upon such examination propose to the defendant or debtor interrogatories pertinent to the inquiry, and the examination may be, at the discretion of the court, oral or in writing, in which latter case it shall be signed and sworn to by the defendant or debtor, and preserved by the magistrate.

Examination
of poor debtor.

Examination
may be oral or
in writing.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1906.

Chap. 204 AN ACT TO PROVIDE FOR THE APPOINTMENT AND RELATIVE TO THE DUTIES OF A BANK COMMISSIONER.

Be it enacted, etc., as follows:

Bank commis-
sioner, ap-
pointment,
term, etc.

SECTION 1. There shall be a bank commissioner for the Commonwealth, appointed by the governor, with the advice and consent of the council, who shall not be an officer of or directly or indirectly interested in any national bank or in any bank, trust company, corporation, business or occupation that requires his official supervision. He shall not engage in any other business, and shall hold his office for the term of three years from the date of his commission and until his successor is appointed and qualified. He may be removed by the governor, with the consent of the council. He shall give bond with sureties in the sum of twenty thousand dollars, to be approved by the treasurer and receiver general, for the faithful performance of his duties, and the expense of procuring such bond shall be paid by the Commonwealth. He shall receive in full compensation for his services an annual salary of five thousand dollars.

To give bond.

Compensation.

Deputy and
examiners.

SECTION 2. The commissioner may, with the approval of the governor and council, appoint, and with their consent remove, a deputy commissioner to assist him in his

duties, who shall receive an annual salary of three thousand dollars, and five examiners, who shall each receive an annual salary of two thousand dollars. In case of a vacancy in the office of commissioner, or during the absence or disability of that officer, the deputy commissioner shall perform the duties of the office. The commissioner may employ such clerks and assistants as the public business in his charge may require, at salaries to be approved by the governor and council, and shall also be allowed necessary office expenses and the actual expenses incurred by him and his subordinates in travelling in the performance of official duties. The deputy commissioner, examiners, clerks and assistants shall give bond with sureties to be approved by the commissioner, in such sum as he may require, for the faithful performance of their duties, the expense of procuring which shall be paid by the Commonwealth.

Clerks and assistants.

Deputy, etc., to give bond.

SECTION 3. The bank commissioner, either personally or by his deputy and examiners shall, except as hereinafter provided, exercise the powers and perform the duties now conferred or imposed by law upon the board of commissioners of savings banks; and upon the appointment and qualification of said bank commissioner, the board of commissioners of savings banks shall cease to exist.

Powers and duties.

SECTION 4. The bank commissioner, the treasurer and receiver general and the commissioner of corporations shall constitute a board which shall exercise the powers and perform the duties conferred or imposed upon the board of savings bank commissioners by section three of chapter three hundred and seventy-four of the acts of the year nineteen hundred and four, by chapter three hundred and fifty-five of the acts of the year nineteen hundred and two, by section two of chapter one hundred and fourteen of the Revised Laws, and by section twenty of chapter one hundred and sixteen of the Revised Laws.

Bank commissioner and certain other state officials to constitute a board, with certain powers, etc.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 27, 1906.

Chap. 205 AN ACT RELATIVE TO APPROPRIATIONS FOR THE SUPPORT OF
THE PUBLIC SCHOOLS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1898, 400, § 1,
etc., amended.

School com-
mittee of
Boston may
make appro-
priations, etc.

SECTION 1. Section one of chapter four hundred of the acts of the year eighteen hundred and ninety-eight, as amended by section one of chapter four hundred and forty-eight of the acts of the year nineteen hundred and one, and by section one of chapter one hundred and seventy of the acts of the year nineteen hundred and three, is hereby further amended by adding at the end thereof the words:—and *provided, further*, that in the year nineteen hundred and six the said school committee, instead of appropriating solely for repairs and alterations of school buildings the whole proceeds of the twenty-five cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based, as aforesaid, may appropriate therefrom the sum of sixty thousand dollars for the support of the public schools, in addition to the amounts hereinbefore authorized to be appropriated for that purpose, and may appropriate for repairs and alterations of school buildings, as aforesaid, the remainder of the proceeds of said twenty-five cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based,—so as to read as follows:—*Section 1.* The school committee of the city of Boston, in each year, by vote of two thirds of all its members, taken by yeas and nays, may make an appropriation in one sum for constructing and furnishing new school buildings, including the taking of land therefor and for school yards, and the preparing of school yards for use, and may also make an appropriation in one sum for repairs and alterations of school buildings, and may make such other appropriations by items for the support of the public schools as it deems necessary. The total amount to be used in any one year for the public schools of the city and their support, in addition to the money which may be given therefor, the income collected, the balance of appropriations of years preceding such year, and the money which may be authorized by acts of the general court passed prior to the year nineteen hundred and two and not repealed, shall not exceed, prior to said last named year, an amount equal to two

dollars and ninety cents, and after the year nineteen hundred and one an amount equal to three dollars and forty cents, upon each one thousand dollars of the valuation on which the appropriations of the city council are based; and the amount which may so be raised shall be appropriated by the school committee as aforesaid, and shall be a part of and be met by taxes within the tax limit; and of said amount of three dollars and forty cents not less than forty cents upon every such one thousand dollars shall be appropriated solely for new school buildings, lands, yards and furnishings as aforesaid, and not less than twenty-five cents upon every such one thousand dollars shall be appropriated solely for repairs and alterations of school buildings: *provided*, that in the year nineteen hundred and three the school committee, instead of appropriating the said forty cents upon every such one thousand dollars solely for new school buildings, lands, yards and furnishings, as aforesaid, may appropriate such portion thereof as the mayor of the city may approve, not exceeding sixty thousand dollars, for the support of the public schools, in addition to the amounts hereinbefore authorized to be used for that purpose; and *provided, further*, that in the year nineteen hundred and six the said school committee, instead of appropriating solely for repairs and alterations of school buildings the whole proceeds of the twenty-five cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based, as aforesaid, may appropriate therefrom the sum of sixty thousand dollars for the support of the public schools, in addition to the amounts hereinbefore authorized to be appropriated for that purpose, and may appropriate for repairs and alterations of school buildings, as aforesaid, the remainder of the proceeds of said twenty-five cents upon each one thousand dollars of the valuation on which the appropriations of the city council are based.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1906.

Chap.206 AN ACT TO DISSOLVE THE EVANGELICAL SOCIETY IN LANCASTER.

Be it enacted, etc., as follows:

The Evangelical Society in Lancaster dissolved.

SECTION 1. The Evangelical Society in Lancaster, incorporated by chapter two hundred and twenty-nine of the acts of the year eighteen hundred and fifty-two, is hereby dissolved.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1906.

Chap.207 AN ACT TO EXTEND THE TIME WITHIN WHICH A NEW BRIDGE MAY BE CONSTRUCTED OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

1905, c11, § 1, amended.

SECTION 1. Section one of chapter four hundred and eleven of the acts of the year nineteen hundred and five is hereby amended by striking out the word "July", in the sixth line, and inserting in place thereof the word:— March,— and by striking out the word "six", in the sixth line, and inserting in place thereof the word:— seven,— so as to read as follows:— *Section 1.* The time within which a new bridge may be constructed over the Merrimac river in the city of Haverhill, in accordance with the provisions of chapter four hundred and sixty-six of the acts of the year nineteen hundred and three, is hereby extended to the first day of March in the year nineteen hundred and seven.

Time extended for construction of a new bridge over the Merrimac river, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1906.

Chap.208 AN ACT RELATIVE TO MEMBERSHIP IN THE PROPRIETORS OF THE SOUTH CHURCH IN SALEM.

Be it enacted, etc., as follows:

The Proprietors of the South Church in Salem, membership, etc.

SECTION 1. All persons now holding deeds to pews or parts of pews in the church building formerly standing on Chestnut street in Salem, which belonged to the Proprietors of the South Church in Salem, incorporated April fourteenth, eighteen hundred and thirty-eight, shall be deemed to be proprietors or members of said corporation, and other persons over twenty-one years of age may be

come proprietors or members upon such terms and conditions as may from time to time be prescribed by the by-laws of said corporation. Each proprietor or member shall have as many votes as he has sittings.

SECTION 2. So much of chapter one hundred and twenty-four of the acts of the year eighteen hundred and four, approved March fifteenth, eighteen hundred and five, as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1906.

AN ACT RELATIVE TO THE ESSEX COUNTY LAW LIBRARY AT LAWRENCE. Chap. 209

Be it enacted, etc., as follows:

SECTION 1. The law library heretofore established at Lawrence shall be under the care and control of the Lawrence Bar Association, an incorporated body; and said association may make and enforce reasonable rules and regulations for the use of said library. The title to all books in the library shall be in the county of Essex. Essex county law library, care of, etc.

SECTION 2. Said law library shall be entitled to receive immediately after publication one copy of all legislative and public documents to which law library associations now are or may hereafter be entitled. To receive certain documents.

SECTION 3. For the purposes of maintaining said library and from time to time adding thereto, providing for the salary of the librarian, and for other necessary expenses, the treasurer of the county of Essex shall annually, beginning with the first day of January in the year nineteen hundred and six, pay over to said Lawrence Bar Association all naturalization fees collected in the police court of Lawrence, and the further sum of two thousand dollars. Naturalization fees to be appropriated for maintenance of library.

SECTION 4. Chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-seven, chapter two hundred and fifty-eight of the acts of the year eighteen hundred and ninety-eight, and chapter three hundred and sixty-three of the acts of the year nineteen hundred and two are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 30, 1906.

Chap.210 AN ACT RELATIVE TO REMOVALS AND SUSPENSIONS FROM OFFICE AND EMPLOYMENT OF POLICE OFFICERS IN THE CLASSIFIED CIVIL SERVICE.

Be it enacted, etc., as follows:

Removal and
suspension of
police officers.

SECTION 1. Every police officer now holding or hereafter appointed to an office classified under the civil service rules of the Commonwealth, in any city, and whether appointed for a definite or stated term, or otherwise, shall hold such office continuously during good behavior, and shall not be removed therefrom, lowered in rank or compensation, or suspended, or, without his consent, transferred from such office or employment to any other, except for just cause and for reasons specifically given in writing by the removing officer or board.

1904, §14, § 2,
etc., to apply.

SECTION 2. The provisions of section two of chapter three hundred and fourteen of the acts of the year nineteen hundred and four, and of acts in amendment thereof, shall apply to the police officers designated in section one hereof.

SECTION 3. This act shall take effect upon its passage.
Approved March 30, 1906.

Chap.211 AN ACT RELATIVE TO THE AMOUNT OF PROPERTY WHICH MAY BE HELD BY THE TEMPLETON VILLAGE IMPROVEMENT SOCIETY.

Be it enacted, etc., as follows:

1900, §8, § 6,
amended.

Section six of chapter ninety-eight of the acts of the year nineteen hundred is hereby amended by inserting after the word "exceeding", in the eleventh line, the words: — one hundred and, — so as to read as follows: — *Section 6.* Said corporation may receive and hold for the purposes mentioned in this act any grants, gifts or bequests, under such conditions and rules as may be prescribed in such grants, gifts and bequests, if not inconsistent with the provisions of law or of this act; and in the absence of conditions attached to any such grant, gift or bequest, all funds thus received shall be held in trust, the income only to be expended for the general purposes of the corporation as before mentioned; and such grants, gifts or bequests, whether in real estate or personal property, not exceeding one hundred and fifty thousand dol-

The Templeton
Village Im-
provement
Society may
receive
bequests, etc.

lars in value, in addition to the one hundred acres of land before mentioned, shall be exempt from taxation so long as they are administered for the public purposes herein set forth: *provided, however*, that any real estate so held by said corporation outside the limits of the town of Templeton shall not be exempt under this act. Proviso.

Approved March 30, 1906.

AN ACT RELATIVE TO THE RETIREMENT OF COMMISSIONED OFFICERS IN THE MILITIA. Chap. 212

Be it enacted, etc., as follows:

SECTION 1. Section eighty-three of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five is hereby amended by inserting after the word "application", in the nineteenth line, the words: — Any commissioned officer who shall have been so retired who afterward accepts a commission in the active militia may at any time, upon his own application, again be placed upon the retired list with the rank with which he was formerly retired, — so as to read as follows: — *Section 83.* Brigadier generals of the line at the expiration of their term of office shall be placed on the retired list if they so request. 1905, 465, § 83,
amended.

Retirement of
certain com-
missioned
officers.

Any commissioned officer in the militia service who has served as such in the active militia of this Commonwealth for the continuous period of ten years may, upon his own application, be placed upon the retired list, with the rank held by him at the time of making such application; but an officer who, at the time of making such application, has remained in the same grade for the continuous period of ten years, or has served as a commissioned officer for the continuous period of fifteen years, or, having served in the army or navy of the United States in time of war and having been honorably discharged therefrom, has also served as a commissioned officer in the militia of this Commonwealth for the continuous period of five years, shall be retired with rank next in grade above that held by him at the time of making such application. Any commissioned officer who shall have been so retired who afterwards accepts a commission in the active militia may at any time, upon his own application, again be placed upon the retired list with the rank with which he was formerly retired.

The commander-in-chief may retire any commissioned officer who shall have been ordered by him before a medical board consisting of at least three commissioned medical officers, if such board report him to be physically unable to perform the duties of his office.

Register to be printed.

The names and records of all retired officers shall annually be printed in a separate register in order of their retired rank, to be appended to the report of the adjutant general.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1906.

Chap.213 AN ACT TO EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE BOSTON TRANSIT COMMISSION.

Be it enacted, etc., as follows:

Term of office of Boston transit commission extended.

SECTION 1. The term of office of the members of the Boston transit commission is hereby extended for three years from the first day of July in the year nineteen hundred and six.

Powers and duties.

SECTION 2. The powers, duties and compensation of said commission during said term of three years shall be the same as are specified in chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and in acts in amendment thereof or in addition thereto; and any vacancy occurring in said commission shall be filled in the manner provided in said chapter five hundred and forty-eight. Said compensation and the expenses incurred by said commission shall be paid as provided in said chapter five hundred and forty-eight and in acts in amendment thereof or in addition thereto.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1906.

Chap.214 AN ACT RELATIVE TO THE CONSTRUCTION OF PUBLIC WAYS IN THE CITY OF BOSTON AND REPEALING ACTS PROVIDING FOR THE CONSTRUCTION OF SUCH WAYS BY LOANS OUTSIDE OF THE DEBT LIMIT.

Be it enacted, etc., as follows:

Construction of public ways in the city of Boston.

SECTION 1. Every public way in the city of Boston hereafter laid out, relocated, altered or widened, except those ways constructed under some special act in which a contrary provision is made, shall be constructed by the

superintendent of streets of said city, and the expenses incurred in such construction shall be paid either from appropriations made for that purpose by the city council or from the proceeds of loans for that purpose authorized from time to time by an affirmative vote of two thirds of all the members of each branch of the city council taken by a call of yeas and nays, such loans and the bonds sold and issued therefor to be within the debt limit.

SECTION 2. Section one of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, as amended by chapter four hundred and sixty-five of the acts of the year nineteen hundred and one, section two of said chapter three hundred and twenty-three, as amended by section one of chapter four hundred and eighteen of the acts of the year eighteen hundred and ninety-two, section eighteen of said chapter three hundred and twenty-three, chapter two hundred and sixty-eight of the acts of the year eighteen hundred and ninety-five, chapter three hundred and thirty-four of the acts of the year eighteen hundred and ninety-five, chapter three hundred and nineteen of the acts of the year eighteen hundred and ninety-seven, chapter four hundred and forty-three of the acts of the year eighteen hundred and ninety-nine, and all other acts and parts of acts inconsistent with this act, are hereby repealed; but the repeal of said acts shall not affect in any way the validity of any bonds, notes or certificates of indebtedness issued, or of any acts done, under authority thereof. Repeal, etc.

SECTION 3. All amounts, sums and apportionments received by the treasurer of said city from any assessments laid or to be laid on account of betterments from public improvements, the expenses of which were paid for by the proceeds of said loan or loans (known as Highways, Improvement of, Loan) shall be paid to the board of commissioners of sinking funds of said city to be by them credited to the sinking funds established for said loan or loans. The interest and any deficiency in the sinking fund of said loan or loans shall be raised by taxation under the provisions of section twelve of chapter twenty-seven of the Revised Laws. Credits to sinking fund, etc.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1906.

Chap.215 AN ACT RELATIVE TO THE USE OF FALSE WEIGHTS AND MEASURES.*Be it enacted, etc., as follows:***R. L. 62, § 33,**
amended.**Penalty for**
using, etc.
false weights
and measures.

Chapter sixty-two of the Revised Laws is hereby amended by striking out section thirty-three and inserting in place thereof the following:— *Section 33.* Whoever uses, or has in his possession with intent to use, a false or condemned weight, measure, scale, balance or beam for weighing or measuring any commodity sold or exchanged may for each offence be fined not more than fifty dollars. The possession of such weight, measure, scale, balance or beam shall be prima facie evidence that the same was intended to be used in violation of law.

*Approved March 30, 1906.***Chap.216** AN ACT TO EXTEND THE FRANCHISE AND RIGHTS OF THE HUNTINGTON AND WESTFIELD RIVER RAILWAY COMPANY.*Be it enacted, etc., as follows:***1906, 846, § 8,**
amended.**Time**
extended, etc.

Section eight of chapter three hundred and forty-six of the acts of the year nineteen hundred and three is hereby amended by striking out the word "three", in the third line, and inserting in place thereof the word:— six, — and by striking out the word "five", in the sixth line, and inserting in place thereof the word:— eight, — so as to read as follows:— *Section 8.* The authority herein granted shall cease if ten miles of the proposed railway have not been built and put in operation at the end of six years from the passage of this act, and it shall cease as to all towns mentioned in section two in which the proposed railway has not been built and put in operation at the end of eight years from the passage of this act.

*Approved March 30, 1906.***Chap.217** AN ACT RELATIVE TO THE OPERATION OF A STREET RAILWAY LINE ON HAVERHILL, PINE AND MAIN STREETS IN THE TOWNS OF WAKEFIELD AND READING.*Be it enacted, etc., as follows:***A street rail-**
way company
operating on
certain streets
in Reading
and Wakefield
may suspend

SECTION 1. Any street railway company which shall construct and operate a street railway on Haverhill, Pine and Main streets in the towns of Wakefield and Reading from the tracks of the Boston and Northern Street Rail-

way Company at or near the junction of Main and Lowell streets in the town of Wakefield to the land of the Bay State Military Rifle Association in the town of Reading, may annually suspend the operation of cars over such railway between the points above specified for such period and between such dates in each year as the board of railroad commissioners shall approve and for which period, from the nature and extent of the travel on said railway, the said board shall find that there is no adequate public demand for transportation in that year: *provided, however,* that nothing in this act shall affect the authority of a board of aldermen or of the selectmen to compel the removal from any public way of any tracks, the use of which is voluntarily discontinued under authority of existing provisions of law, and such discontinuance, unless approved as aforesaid, shall be deemed a surrender of the company's location for so much of its railway as is discontinued, with the same effect as if such part of the location had been revoked in accordance with law.

the running of cars, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1906.

AN ACT RELATIVE TO THE PURCHASE OF ELECTRICITY BY TOWNS FROM STREET RAILWAY COMPANIES. *Chap. 218*

Be it enacted, etc., as follows:

Section one of chapter four hundred and forty-nine of the acts of the year nineteen hundred and two is hereby amended by striking out the words "and which is not itself engaged in such business", in the third and fourth lines, and by inserting after the word "light", in the eighth and fourteenth lines, the words: — or power, — so as to read as follows: — *Section 1.* A town in which no person or corporation is engaged in the business of generating or distributing electricity for sale for lighting purposes, and which has voted or shall vote, in accordance with the provisions of chapter thirty-four of the Revised Laws, to construct one or more plants for the manufacture or distribution of electricity for furnishing light or power for municipal use or for the use of its inhabitants, or for both purposes, may make a contract or contracts, for a term not exceeding ten years, with any street railway company or companies operating a street railway in such town, for the purchase of electricity from such street

1902, 449, § 1, amended.

Certain towns may purchase electricity from street railway companies.

railway company or companies, for the purpose of furnishing light or power for municipal use or for the use of its inhabitants, or for both purposes; and street railway companies may make contracts for furnishing electricity as aforesaid to a town, but the same shall not become operative unless the board of railroad commissioners shall, after a public hearing, approve the terms thereof as consistent with the public interests.

Approved March 31, 1906.

Chap. 219 AN ACT RELATIVE TO PROCEDURE IN THE FORECLOSURE OF MORTGAGES BY SALE.

Be it enacted, etc., as follows:

R. L. 187, § 14,
amended.

Rights of a
mortgagee
under power
of sale, etc.

SECTION 1. Section fourteen of chapter one hundred and eighty-seven of the Revised Laws is hereby amended by inserting after the word "sale", in the second line, the words: — or the attorney duly authorized by writing under seal, or the legal guardian or conservator of such mortgagee or person acting in the name of such mortgagee or person, — so as to read as follows: — *Section 14.* The mortgagee or a person who has his estate in the land mortgaged or a person authorized by the power of sale, or the attorney duly authorized by writing under seal, or the legal guardian or conservator of such mortgagee or person acting in the name of such mortgagee or person, may, upon a breach of the condition and without action brought, do all the acts authorized or required by the power; but no sale under such power shall be effectual to foreclose a mortgage, unless, previous to such sale, notice thereof has been published once in each of three successive weeks, the first publication to be not less than twenty-one days before the day of sale, in a newspaper, if any, published in the city or town in which the land lies; otherwise, in a newspaper published in such county.

R. L. 187, § 15,
amended.

SECTION 2. Section fifteen of said chapter one hundred and eighty-seven is hereby amended by inserting after the word "selling", in the first line, the words: — or the attorney duly authorized by writing under seal, or the legal guardian or conservator of such person, — by inserting after the word "acts", in the second line, the words: — or the acts of his principal or ward, — and by striking out the words "he has in all respects complied with the requirements of the power of sale and of the statute",

in the seventh and eighth lines, and inserting in place thereof the words: — the requirements of the power of sale and of the statute have in all respects been complied with, — so as to read as follows: — *Section 15.* The person selling, or the attorney duly authorized by writing under seal, or the legal guardian or conservator of such person, shall, within thirty days after the sale, cause a copy of the notice and his affidavit stating his acts, or the acts of his principal or ward, fully and particularly to be recorded in the registry of deeds for the county or district in which the land lies, with a note of reference thereto on the margin of the record of the mortgage deed, if the mortgage is recorded in the same registry. If the affidavit shows that the requirements of the power of sale and of the statute have in all respects been complied with, the affidavit, or a certified copy of the record thereof, shall be admitted as evidence that the power of sale was duly executed.

Record of
affidavit
evidence.

SECTION 3. Nothing contained in this act shall be so construed as to impair the validity of any foreclosure heretofore made.

Validity of
foreclosure
not impaired.

Approved March 31, 1906.

AN ACT TO AUTHORIZE THE SALE OF THE FRANCHISE AND PROPERTY OF THE RHODE ISLAND AND MASSACHUSETTS RAILROAD COMPANY TO THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Chap. 220

Be it enacted, etc., as follows:

SECTION 1. The Rhode Island and Massachusetts Railroad Company may sell its franchise and property to the New York, New Haven and Hartford Railroad Company, and that company may purchase such franchise and property, upon such terms and conditions as may be agreed to by the directors of said corporations, respectively, and approved by the board of railroad commissioners and by votes of the shareholders of said corporations, respectively; and upon such purchase the purchaser shall become subject to and held to perform all the duties and obligations of the seller.

The Rhode
Island and
Massachusetts
Railroad Com-
pany may sell
its franchise,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1906.

Chap.221 AN ACT RELATIVE TO DEPOSITS IN LIEU OF RECOGNIZANCES BY PERSONS HELD IN CUSTODY UPON A CRIMINAL CHARGE AND ENTITLED TO BE RELEASED ON BAIL.

Be it enacted, etc., as follows:

R. L. 217, § 77,
amended.

Deposit in
lieu of recog-
nizance, etc.

Section seventy-seven of chapter two hundred and seventeen of the Revised Laws is hereby amended by striking out the words "If a person who is arrested on criminal process has been ordered to recognize with surety or sureties for his appearance before any court or trial justice, he", in the first three lines, and inserting in place thereof the words:— A person who is held in custody or committed upon a criminal charge, if entitled to be released on bail, — and by inserting after the word "recognizance", in the fourth line, the words:— to appear before any court or trial justice, — so as to read as follows:— *Section 77.* A person who is held in custody or committed upon a criminal charge, if entitled to be released on bail, may, instead of giving surety or sureties, at any time give his personal recognizance to appear before any court or trial justice and deposit the amount of the bail which he is ordered to furnish with the court, trial justice or magistrate authorized by law to take such recognizance who shall give him a certificate thereof, and upon delivering said certificate to the officer in whose custody he is, he shall be released. The court, trial justice or magistrate shall forthwith, upon the receipt of such amount, deposit it with the clerk of the court or with the trial justice before whom such person was recognized to appear, or if such court has no clerk, shall deposit it with the justice thereof.

Approved March 31, 1906.

Chap.222 AN ACT TO AUTHORIZE THE UNION OF THE PROPRIETORS OF CROMBIE STREET CHURCH IN SALEM WITH THE PROPRIETORS OF THE SOUTH CHURCH IN SALEM.

Be it enacted, etc., as follows:

Certain reli-
gious societies
in Salem may
unite.

SECTION 1. The Proprietors of Crombie Street Church in Salem, incorporated February twentieth, eighteen hundred and thirty-three, are hereby authorized to unite with the Proprietors of the South Church in Salem, incorporated April fourteenth, eighteen hundred and thirty-eight, whenever the members of said corporations by a majority vote of those present and voting at meetings called for the

purposes shall so vote, and when such votes have been passed the said Proprietors of Crombie Street Church in Salem shall become a part of and be merged in the Proprietors of the South Church in Salem.

SECTION 2. After said votes have been passed the Proprietors of the South Church in Salem shall have and enjoy all the franchises, powers, privileges, property and rights of every kind now belonging to the Proprietors of Crombie Street Church in Salem; and shall assume and be subject to all the duties, debts and liabilities of said Proprietors of Crombie Street Church in Salem.

Franchises,
powers, etc.

SECTION 3. All property, whether real or personal, held in trust by said Proprietors of Crombie Street Church in Salem shall be vested in said Proprietors of the South Church in Salem, to be held upon the same, or, as nearly as possible, upon the same trusts as said trust property is now held. In case of doubt as to the precise manner in which said trust property, or the income thereof, shall be applied, the matter may be determined by the supreme judicial court, upon application of any person interested or of the attorney-general, and until said court shall otherwise order said trust property and the income thereof shall be applied in accordance with the terms of the original trusts, or as nearly as possible in accordance therewith, by said Proprietors of the South Church in Salem.

Certain prop-
erty to vest in
the Proprietors
of the South
Church in
Salem.

SECTION 4. After the said votes shall have been passed all the proprietors or members of the Proprietors of Crombie Street Church in Salem shall become proprietors or members of the said Proprietors of the South Church in Salem, with all the rights of any members thereof.

Rights of
members, etc.

SECTION 5. The records and other books and papers of said Proprietors of Crombie Street Church in Salem shall be the property of the Proprietors of the South Church in Salem, and certified copies of the votes of the said corporations agreeing to the union authorized by this act, sworn to by their respective clerks, and recorded in the registry of deeds for the county of Essex, shall be sufficient evidence of the union.

Records, etc.

SECTION 6. The Crombie Street Congregational Church in Salem is hereby authorized to unite with the church affiliated with the Proprietors of the South Church in Salem, known as the South or Third Church, whenever the members of said churches by a majority vote of those present and voting at meetings called for the purpose shall

Membership,
etc.

so vote, and when such votes have been passed the said The Crombie Street Congregational Church shall become part of and be merged in said church affiliated with the Proprietors of the South Church in Salem, and all persons who are members of said The Crombie Street Congregational Church shall become members of said church affiliated with the Proprietors of the South Church in Salem, with all the rights of any members thereof, and the name of said church is hereby changed to Pilgrim Congregational Church.

Property to
vest in new
society, to be
called the
Pilgrim Con-
gregational
Church.

SECTION 7. All the property, whether real or personal, belonging to The Crombie Street Congregational Church in Salem, and all property held in trust by said church, by the deacons of said church, or by the pastor and deacons of said church, shall be vested in the deacons or the pastor and the deacons, as the case may be, of the church affiliated with the Proprietors of the South Church in Salem, to be held by them upon the same, or, as nearly as possible, upon the same trusts as said trust property is now held. In case of doubt as to the precise manner in which said trust property or the income thereof shall be divided, the matter may be determined by the supreme judicial court upon application of any person interested, or of the attorney-general, and until the court shall otherwise order said trust property and the income thereof shall be applied in accordance with the terms of the original trusts, or as nearly as possible in accordance therewith, by the deacons of said church affiliated with the Proprietors of the South Church in Salem, hereafter to be called Pilgrim Congregational Church, or by the pastor and deacons of said church, as the case may be.

Records, etc.

SECTION 8. All records and other books and papers of said The Crombie Street Congregational Church in Salem shall be the property of said church affiliated with the Proprietors of the South Church in Salem, hereafter to be called Pilgrim Congregational Church.

Damages.

SECTION 9. Any person aggrieved by the provisions of this act may at any time within six months after the recording of the copies of the votes above provided for apply by petition to the superior court for the county of Essex to have his damages determined by a jury therein, or by or under the direction of said court; and all damages so awarded, with the costs of suit allowed by statute

in civil actions attending such award, shall be paid by the Proprietors of the South Church in Salem.

SECTION 10. This act shall take effect upon its passage.

Approved March 31, 1906.

AN ACT TO REQUIRE NOTICES TO BE GIVEN TO PARTIES CLAIMING LIENS IN CASE THE SAME IS TO BE DISSOLVED BY A BOND.

Chap. 223

Be it enacted, etc., as follows:

Section twenty-eight of chapter one hundred and ninety-seven of the Revised Laws is hereby amended by inserting after the word "sixty-seven", in the fourteenth line, the words:— Before such bond is approved, the party wishing to dissolve the lien or a person in his behalf shall make application in writing to the magistrate, specifying therein the names and residences of the proposed sureties, and, except in case the proposed surety is a surety company qualified to do business in this Commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the date of acquiring the same, the location, assessed value, and incumbrances thereon, if any. Notice of the time and place of the hearing, containing a copy of the application to the magistrate, shall be given to the plaintiff or his attorney as provided in sections twenty-seven to thirty, inclusive, of chapter one hundred and seventy-five, but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time, — so as to read as follows:— *Section 28.* A person who has an interest in property upon which the lien has been claimed may at any time before final judgment dissolve the lien upon his interest in the whole or any part of the property by giving bond to the party claiming the lien, with sureties who shall be approved in writing by him or his attorney, by a justice of a police, district or municipal court or by a master in chancery, conditioned to pay to such person within thirty days after final judgment an amount fixed as the value of said interest or so much thereof as may be necessary to satisfy the amount for which said interest may be found to be subject to such lien. If the parties do not agree as to the value of said interest, it may be fixed in accordance with the provisions of sections one hundred and twenty-one and

R. L. 197, § 28,
amended.

Dissolution of
lien, etc.

Notice of time
and place of
hearing, etc.

one hundred and twenty-two of chapter one hundred and sixty-seven. Before such bond is approved, the party wishing to dissolve the lien or a person in his behalf shall make application in writing to the magistrate, specifying therein the names and residences of the proposed sureties, and, except in case the proposed surety is a surety company qualified to do business in this Commonwealth, therein setting forth the property with which each of said sureties proposes to qualify, and in case said property, as so set forth, be realty, then giving the date of acquiring the same, the location, assessed value, and incumbrances thereon, if any. Notice of the time and place of the hearing, containing a copy of the application to the magistrate, shall be given to the plaintiff or his attorney as provided in sections twenty-seven to thirty, inclusive, of chapter one hundred and seventy-five, but the plaintiff or his attorney may in writing waive such notice or may approve the bond at any time. The bond shall contain a description of the property or interest to be released and the obligor shall, within ten days after its approval, cause it to be recorded in the registry of deeds for the county or district in which the property lies. The lien shall not be dissolved until the bond has been so recorded, after which the bond may be taken by the obligee from the registry.

Approved March 31, 1906.

Chap. 224 AN ACT TO AUTHORIZE THE APPOINTMENT OF A RECEIVER OF DEBTS AND OBLIGATIONS DUE TO ABSENTEES IN CERTAIN CASES.

Be it enacted, etc., as follows:

R. L. 144, § 1,
etc., amended.

SECTION 1. Section one of chapter one hundred and forty-four of the Revised Laws, as amended by section fourteen of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, and by section one of chapter two hundred and forty-one of the acts of the year nineteen hundred and three, is hereby further amended by adding at the end thereof the following: — If such absentee has left no corporeal property within this Commonwealth, but there are debts and obligations due or owing to such absentee from persons within the Commonwealth, a petition may be filed under oath as provided in this chapter, stating the nature and amount of such debts and obligations, so far as they are known, and

praying that a receiver thereof may be appointed. The court may thereupon issue a notice as provided in this chapter, without issuing a warrant as herein provided, and may, upon the return of said notice and after a hearing, dismiss the petition or appoint a receiver and authorize and direct him to demand and collect the debts and obligations specified in said petition. If a receiver is appointed he shall give bond as provided in this chapter, and he shall hold the proceeds of such debts and obligations and all property received by him, and he shall distribute the same as provided in this chapter. The receiver may be further authorized and directed as provided in section seven of this chapter, — so as to read as follows: — *Section 1.* If a person entitled to or having an interest in property within the jurisdiction of the Commonwealth has disappeared or absconded therefrom, or has disappeared or absconded from the place without the Commonwealth where he was last known to be, and has no agent in the Commonwealth, and it is not known where he is, or if such person, having a wife or minor child dependent to any extent upon him for support, has thus disappeared or absconded without making sufficient provision for such support, and it is not known where he is, or if it is known that he is without the Commonwealth, anyone who would under the law of this Commonwealth be entitled to administer upon the estate of such absentee if he were deceased, or if no one is known to be so entitled, any suitable person, or such wife, or some one in her or such minor's behalf, may file a petition under oath in the probate court for the county in which any such property is situated or found, stating the name, age, occupation and last known residence or address of such absentee, the date and circumstances of the disappearance or absconding, and the names and residence of other persons, whether members of such absentee's family or otherwise, of whom inquiry may be made, and containing a schedule of the property, real and personal, so far as it is known, and its location within the Commonwealth, and praying that such property may be taken possession of and a receiver thereof appointed under the provisions of this chapter. If such absentee has left no corporeal property within this Commonwealth, but there are debts and obligations due or owing to such absentee from persons within the Commonwealth, a petition may be filed under oath as provided in

Petition for
appointment of
receiver, etc.

Notice to be
given by the
court.

this chapter, stating the nature and amount of such debts and obligations, so far as they are known, and praying that a receiver thereof may be appointed. The court may thereupon issue a notice as provided in this chapter, without issuing a warrant as herein provided, and may, upon the return of said notice and after a hearing, dismiss the petition or appoint a receiver and authorize and direct him to demand and collect the debts and obligations specified in said petition. If a receiver is appointed he shall give bond as provided in this chapter, and he shall hold the proceeds of such debts and obligations and all property received by him, and he shall distribute the same as provided in this chapter. The receiver may be further authorized and directed as provided in section seven of this chapter.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap.225 AN ACT TO PROVIDE FOR COMPENSATING PERSONS HELD IN QUARANTINE BY ORDER OF BOARDS OF HEALTH.

Be it enacted, etc., as follows:

R. L. 75, § 42,
amended.

Section forty-two of chapter seventy-five of the Revised Laws is hereby amended by adding at the end thereof the following:— When the board of health of a city or town shall deem it necessary in the interest of the public health to require a resident wage-earner to remain within such house or place, or otherwise to interfere with the following of his employment, he shall receive from such city or town during the period of his restraint compensation to the extent of three fourths of his regular wages: *provided, however*, that the amount so received shall not exceed two dollars for each working day, — so as to read as follows:— *Section 42.* If a disease which is dangerous to the public health breaks out in a town, or if a person is infected or lately has been infected with such disease, the board shall immediately provide such hospital or place of reception, and such nurses and other assistance and necessities, as is judged best for his accommodation and for the safety of the inhabitants, which shall be subject to the regulations of the board. The board may cause any sick or infected person to be removed thereto, if it can be done without danger to his health; otherwise the house or place in which he remains shall be considered

Board of
health to pro-
vide hospital,
etc.

as a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the board, and, if necessary, persons in the neighborhood may be removed. When the board of health of a city or town shall deem it necessary in the interest of the public health to require a resident wage-earner to remain within such house or place, or otherwise to interfere with the following of his employment, he shall receive from such city or town during the period of his restraint compensation to the extent of three fourths of his regular wages: *provided, however*, that the amount so received shall not exceed two dollars for each working day.

To receive compensation during period of restraint.

Proviso.

Approved April 2, 1906.

AN ACT RELATIVE TO THE AMERICAN HUMANE EDUCATION SOCIETY.

Chap. 226

Be it enacted, etc., as follows:

SECTION 1. The board of directors of the American Humane Education Society, a corporation established by chapter one hundred and thirty-four of the acts of the year eighteen hundred and eighty-nine, may from time to time vest in and place under the control of such trustee or trustees as they may appoint, any part of the funds or other property of the corporation, to be held subject to any trusts affecting the same, and otherwise upon such terms and conditions as the directors may prescribe.

Funds, etc., of the American Humane Education Society to be under control of trustees.

SECTION 2. The organization of said corporation and the title of its officers are hereby ratified and confirmed.

Organization confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1906.

AN ACT RELATIVE TO THE MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

Chap. 227

Be it enacted, etc., as follows:

SECTION 1. The board of directors of the Massachusetts Society for the Prevention of Cruelty to Animals, a corporation established by chapter eighty-one of the acts of the year eighteen hundred and sixty-eight, may from time to time vest in and place under the control of such trustee or trustees as they may appoint, any part of the funds or other property of the corporation, to be held subject to any trusts affecting the same, and otherwise upon such terms and conditions as the directors may prescribe.

Funds, etc., of the Massachusetts Society for the Prevention of Cruelty to Animals to be under control of trustees.

Organization
confirmed.

SECTION 2. The organization of said corporation and the title of its officers are hereby ratified and confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap. 228 AN ACT TO PROVIDE FOR COMPENSATING THE JUSTICE OF THE SECOND DISTRICT COURT OF BARNSTABLE FOR CLERICAL WORK.

Be it enacted, etc., as follows:

Compensation
for clerical
work to the
justice of the
second district
court of Barn-
stable.

SECTION 1. There shall be allowed and paid to the justice of the second district court of Barnstable three hundred dollars a year for clerical work.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap. 229 AN ACT RELATIVE TO JANITORS OF PUBLIC SCHOOLHOUSES IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Appointment
and removal
of janitors of
school-
houses.

SECTION 1. Hereafter the school committee of the city of Lowell shall have full and exclusive authority to appoint and remove the janitors of the public schoolhouses of the city and to direct them in the discharge of their duties, and such janitors shall be under the control of said committee.

Repeal, etc.

SECTION 2. So much of any act or of any ordinance of the city of Lowell as is inconsistent herewith is hereby repealed or annulled.

SECTION 3. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap. 230 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPDEN TO BORROW MONEY FOR THE CONSTRUCTION OF THE BRIDGE BETWEEN CHICOPEE AND WEST SPRINGFIELD.

Be it enacted, etc., as follows:

County of
Hampden may
borrow money
to pay cost of
construction
of bridge, etc.

SECTION 1. In order to provide for the share of the expense of building the new bridge over the Connecticut river between the city of Chicopee and the town of West Springfield, to be borne by the county of Hampden, according to the provisions of chapter three hundred and ninety-eight of the acts of the year nineteen hundred and

four, which provides for the construction of said bridge, the county commissioners of the said county are hereby authorized to borrow the sum of forty-five thousand dollars on the credit of the county, and to issue notes, bonds or scrip therefor. The said loan shall be paid out of the amount received by said county for taxes, in such annual payments as the said commissioners may determine.

Annual pay-
ments on loan.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

AN ACT RELATIVE TO THE TERMS OF OFFICE OF THE SUPERINTENDENT AND ASSISTANT SUPERINTENDENTS OF THE PUBLIC SCHOOLS OF THE CITY OF BOSTON.

Chap. 231

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston, in the current year, and in each sixth year thereafter, shall elect a superintendent of schools, who shall hold office for the term of six years from the first day of September in said year. In the current year the school committee shall elect six assistant superintendents, one of whom shall hold office for one year, one for two years, one for three years, one for four years, one for five years and one for six years, all of said terms to begin on the first day of September in the current year; and thereafter said committee shall annually elect one assistant superintendent for the term of six years from the first day of September in the year of his election. If a vacancy shall occur in the office of superintendent or of assistant superintendent the school committee shall fill such vacancy or vacancies for the unexpired term. The school committee shall define the duties and fix the compensation of the superintendent and assistant superintendents, and may remove them, or any of them, for cause. The superintendent and assistant superintendents shall constitute a board, to be known as the board of superintendents. The superintendent shall, when present, preside at the meetings of said board. Said board shall have all the powers and duties now or hereafter conferred or imposed by law upon the board of supervisors of said city. No member of either branch of the city council or of the school committee shall hold the office of superintendent or assistant superintendent, and no member of either branch of the city council shall be a member of the school committee.

School committee of Boston to elect superintendents, etc.

Vacancies.

Duties and compensation.

Powers, etc.

Election, etc.

SECTION 2. The votes of a majority of the whole number of members of the school committee of the city of Boston shall be necessary to elect the superintendent of schools, the assistant superintendents, the head masters of the Latin, normal and high schools, the masters of the grammar schools, the director of a special study or exercise, or any officer employed by said committee.

Repeal.

SECTION 3. Sections seven and eight of chapter two hundred and forty-one of the acts of the year eighteen hundred and seventy-five are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap.232 AN ACT TO INCREASE THE COMPENSATION OF THE ELEVATOR MEN AT THE STATE HOUSE.

Be it enacted, etc., as follows:

Salaries of elevator men at the state house.

SECTION 1. Each of the elevator men at the state house shall be paid an annual salary of nine hundred dollars, to be so allowed and paid from the first day of January in the year nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap.233 AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

Salary of sheriff of Hampden county.

SECTION 1. The annual salary of the sheriff of the county of Hampden shall be two thousand dollars, to be so allowed from the first day of January in the year nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap.234 AN ACT RELATIVE TO THE MASSACHUSETTS STATE AUTOMOBILE ASSOCIATION.

Be it enacted, etc., as follows:

Erection of signboards, etc., on highways.

SECTION 1. The Massachusetts state automobile association may, under the direction of the Massachusetts highway commission, erect signboards or notices at such points or places upon the highways of the Commonwealth as the commission may deem necessary or proper for the safety

and convenience of users of the highways and of persons living contiguous thereto, the cost of such signboards or notices and the expenses in connection with their erection and maintenance to be defrayed by said Massachusetts state automobile association.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

AN ACT RELATIVE TO THE ANNUAL REPORTS OF THE METROPOLITAN WATER AND SEWERAGE BOARD.

Chap.235

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board shall, on or before the third Wednesday in January in each year, in accordance with the provisions of chapter two hundred and eleven of the acts of the year nineteen hundred and five, report to the general court an abstract of its receipts, expenditures, disbursements, assets and liabilities for the preceding fiscal year, as required by said act, together with all recommendations for legislation which it deems desirable, and shall in the month of February present a more detailed statement of its doings for the calendar year next preceding, the same to be printed as its annual report for the year.

Report of metropolitan water and sewerage board.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE MILLERS FALLS WATER SUPPLY DISTRICT.

Chap.236

Be it enacted, etc., as follows:

SECTION 1. The Millers Falls Water Supply District, as established by chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six, and by chapter five hundred of the acts of the year nineteen hundred and two, and for the purposes mentioned in said acts, may contract with the Turners Falls Fire District for a supply of water, on such terms and conditions as may be agreed upon by said fire district and said water supply district, and said fire district may furnish such supply of water to said water supply district.

The Millers Falls Water Supply District may contract for a supply of water.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1906.

Chap.237 AN ACT TO AUTHORIZE THE NEW HAVEN AND NORTHAMPTON COMPANY TO INCREASE ITS CAPITAL STOCK, TO ISSUE BONDS, AND TO SELL ITS FRANCHISE AND PROPERTY TO THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Be it enacted, etc., as follows:

The New Haven and Northampton Company may increase its capital stock, etc.

SECTION 1. The New Haven and Northampton Company, for the purpose of paying its outstanding indebtedness and improving its road, may increase its capital stock and issue bonds, which may be secured by mortgage or otherwise upon its franchise and property, to such amounts respectively as the railroad commissioners may upon hearing approve for such purposes, subject to the provisions of the general law as to the issue of such capital stock and bonds.

May sell its franchise, etc.

SECTION 2. The New Haven and Northampton Company may sell its franchise and property to the New York, New Haven and Hartford Railroad Company, and that company may purchase such franchise and property, upon such terms and conditions as may be agreed to by the directors of the purchasing and selling corporations, respectively, and approved by the board of railroad commissioners and by votes of the shareholders of said corporations; and upon such purchase the purchaser shall become subject to, and held to pay, all the debts and to perform all the duties and obligations of the seller.

Liability for debts, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 3, 1906.

Chap.238 AN ACT RELATIVE TO THE APPORTIONMENT OF THE COST OF THE BRIDGE OVER THE ACUSHNET RIVER BETWEEN THE CITY OF NEW BEDFORD AND THE TOWN OF FAIRHAVEN.

Be it enacted, etc., as follows:

Apportionment of cost of bridge over the Acushnet river.

SECTION 1. The board of three commissioners heretofore appointed by the superior court in accordance with the provisions of section six of chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-three, and of section six of chapter four hundred and thirty-nine of the acts of the year nineteen hundred, is hereby authorized to apportion the cost of the highway bridge and approaches thereto constructed under the provisions of said chapter three hundred and sixty-eight and

of acts in amendment thereof and in addition thereto, so far as such cost may have been determined and paid, as provided in said acts, and may report their apportionment to the superior court, as provided in said acts, notwithstanding that certain items of cost remain unascertained and unpaid; and the superior court shall in the manner provided in said acts accept and affirm said report and enter judgment thereon as provided in said acts.

SECTION 2. The said board of commissioners may provide for the apportionment of such part of the cost as has not been ascertained or paid at the date of its report by declaring in what percentages such cost shall hereafter be apportioned when it has been ascertained and paid. When such cost has been ascertained and paid by the city of New Bedford, as provided in said acts, said city shall cause a statement, verified under oath by its city treasurer and setting forth in detail the amount of cost so ascertained and paid by it, to be filed in the superior court for the county of Bristol. The clerk of the superior court shall forthwith send notice of the filing of said statement to all parties upon whom any percentage of the amount thereof has been apportioned by said commissioners. If no party objects, in the manner hereinafter provided, to the amount of such statement, the superior court shall enter judgment against the several parties named by the commissioners, in the proportion fixed by the commissioners, and the same shall thereupon be binding upon all parties, and the further proceedings thereon shall be the same as if the commissioners had found specific sums in their original report. Any party in interest, within thirty days after the filing of such statement, may object to the cost as stated by the city of New Bedford, and may apply in writing to the superior court for the appointment of a commissioner. The superior court after such notice as the court may order shall appoint a commissioner, who shall hear the parties and shall find the amount to be apportioned among them in the proportion previously ascertained and reported by the original commissioners. He shall report his finding to the superior court, and judgment shall thereupon be entered in the manner above provided.

Percentage of
cost to be
apportioned.

Court to ap-
point commis-
sioner, etc.

SECTION 3. Section eight of chapter four hundred and thirty-nine of the acts of the year nineteen hundred is hereby amended by striking out the word "four", in the

1900, 489, § 8,
amended.

eighteenth line, and inserting in place thereof the word:
— six.

SECTION 4. This act shall take effect upon its passage.

Approved April 3, 1906.

Chap.239 AN ACT RELATIVE TO THE TAKING OF SHINERS FOR BAIT.

Be it enacted, etc., as follows:

Shiners may
be taken for
bait.

SECTION 1. It shall be lawful to take shiners for bait in any of the waters of the Commonwealth by means of a circular or hoop net not exceeding six feet in diameter, or by means of a rectangular net other than a seine, containing not more than thirty-six square feet of net surface.

Certain pro-
visions of law
not to apply.

SECTION 2. The provisions of section twenty-six of chapter ninety-one of the Revised Laws, as amended by chapter three hundred and eight of the acts of the year nineteen hundred and four, and of section one hundred and thirty-two of said chapter ninety-one, shall not apply to a person taking fish other than shiners by means of the apparatus described in section one: *provided*, that such other fish are immediately returned alive to the water.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 5, 1906.

Chap.240 AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE SECOND DISTRICT COURT OF ESSEX.

Be it enacted, etc., as follows:

Office of clerk
of second
district court
of Essex
established.

SECTION 1. There shall be a clerk of the second district court of Essex, who, in accordance with section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and four, shall receive a salary of seven hundred and twenty dollars a year, to be so allowed from the first day of April in the year nineteen hundred and six.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1906.

Chap.241 AN ACT TO PROVIDE FOR THE CONFISCATION OF FERRETS IN CERTAIN CASES.

Be it enacted, etc., as follows:

R. L. 92, § 11,
amended.

Section eleven of chapter ninety-two of the Revised Laws is hereby amended by adding at the end thereof

the words: — Ferrets which are used in violation of the provisions of this section shall be confiscated, — so as to read as follows: — *Section 11.* Whoever takes or kills a game bird or water fowl, hare or rabbit by means of a trap, net or snare, or by the use of a ferret; and whoever, for the purpose of taking or killing a game bird, water fowl, hare or rabbit, constructs or sets a trap, snare or net or uses a ferret; and whoever shoots at or kills any wild fowl or any of the so-called shore, marsh or beach birds with a swivel or pivot gun or by the use of a torch, jack or artificial light, or pursues any wild fowl with or by aid of a boat propelled by steam or naphtha, or of a boat or vessel propelled by any mechanical means other than sails, oars or paddles, or in that portion of Boston harbor lying westerly and southwesterly of a line running from Deer Island to Point Allerton, including the waters of Dorchester bay, Quincy bay, Weymouth bay and Hingham bay, shoots at, kills or pursues a wild fowl from or by the aid or use of any boat or floating device propelled by steam, naphtha, gasoline, electricity, compressed air, or any similar motive power, shall be punished by a fine of twenty dollars for each offence. The constructing or setting of a trap, snare or net adapted for the taking or killing of a game bird, water fowl, hare or rabbit, upon premises frequented by them, shall be prima facie evidence of such constructing and setting with intent to take and kill contrary to law; and possession of a ferret in a place where the game mentioned in this section might be taken or killed, shall be prima facie evidence that the person having it in possession has used it for taking and killing game contrary to law. Ferrets which are used in violation of the provisions of this section shall be confiscated.

Penalty for taking birds, etc., by snares.

Ferrets may be confiscated.

Approved April 5, 1906.

AN ACT RELATIVE TO THE PHYSICIAN AND SURGEON AT THE STATE PRISON.

Chap. 242

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter two hundred and twenty-three of the Revised Laws is hereby amended by striking out the words "or by him and the commissioners", in the second line, and inserting in place thereof the words: — except the physician and surgeon, — so as to read as follows: — *Section 17.* Neither the warden nor

R. L. 223, § 17, amended.

Officers not to engage in other business. any officer appointed by him, except the physician and surgeon, shall be employed in any business for private emolument or which does not pertain to the duties of his office.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1906.

Chap. 243 AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE PRISON CAMP AND HOSPITAL.

Be it enacted, etc., as follows:

Prison Camp and Hospital established.

SECTION 1. Upon the establishment of the hospital prison, as provided by chapter three hundred and fifty-five of the acts of the year nineteen hundred and five, the said hospital prison and the temporary industrial camp for prisoners shall be combined in one institution, to be known as the Prison Camp and Hospital; and all laws relative to said temporary industrial camp or to said hospital prison shall apply to said prison camp and hospital.

R. L. 225, § 131, to apply.

SECTION 2. The provisions of section one hundred and thirty-one of chapter two hundred and twenty-five of the Revised Laws relative to the support of a sick prisoner shall apply to any prisoner who has been removed to said prison camp and hospital. *Approved April 5, 1906.*

Chap. 244 AN ACT RELATIVE TO THE RELEASE FROM THE MASSACHUSETTS REFORMATORY OF PRISONERS WHO HAVE BEEN REMOVED THERETO FROM THE STATE PRISON.

Be it enacted, etc., as follows:

R. L. 225, § 117, amended.

Section one hundred and seventeen of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out all after the word "prescribe", in the sixth line, to and including the word "prison", in the eighth line, and inserting in place thereof the following: — but a prisoner who has been removed thereto from the state prison shall not be given a permit to be at liberty before the expiration of the minimum term of his sentence without the consent of the governor and council, — so as to read as follows: — *Section 117.* If it appears to the prison commissioners that a prisoner in the Massachusetts reformatory, or a prisoner who has been removed therefrom to a jail or house of correction, has reformed, they may issue to him a permit to be at liberty during the remainder of his term of sentence, upon such terms

Permit to prisoners in the Massachusetts reformatory, etc.

and conditions as they shall prescribe; but a prisoner who has been removed thereto from the state prison shall not be given a permit to be at liberty before the expiration of the minimum term of his sentence without the consent of the governor and council. They may delegate to a committee of their board or to their secretary, until their next meeting, the authority to decide when such permit shall be issued.

Approved April 5, 1906.

AN ACT TO AUTHORIZE THE TOWN OF WINCHENDON TO CON-
STRUCT A SYSTEM OF SEWERAGE. *Chap. 245*

Be it enacted, etc., as follows:

SECTION 1. The town of Winchendon is hereby authorized, through a board of commissioners elected as hereinafter provided, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and said board, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the board may, within the limits of the town, deepen, widen and clear of obstruction any brook, stream or water course, and may straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains.

Town of Winchendon may construct a system of sewerage.

SECTION 2. Said board shall consist of three commissioners, to be called sewer commissioners of the town of Winchendon, who shall be citizens and residents of the town and shall be elected by ballot at a special meeting or at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, or which follows the special meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person duly qualified to fill the vacancy.

Sewer commissioners, election, terms, etc.

Vacancy.

May acquire
land, water
rights, etc.

Proviso.

Description of
lands, etc., to
be recorded.

Damages.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to acquire, by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, or private sewers, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, railroad, railway or way, or within the location of any railroad or railway, and may enter upon and dig up and excavate any private land, street or way, or railroad or railway location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however,* that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds at Worcester, a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in the town of Winchendon, which shall pay all damages therefor and all other damages which shall be sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder, upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court for the county of Worcester may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in case of a taking no suit or petition shall be brought after the expiration of two years

from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of said notice, and the petitioner, if he does not recover damages to an amount greater than the amount specified in said offer, shall be entitled to costs only to said date.

Town may offer to pay a specified sum, etc.

SECTION 6. The town of Winchendon, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and may issue from time to time therefor bonds, notes or scrip; and the debt and loan authorized by this act and the bonds, notes or scrip issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds, notes or scrip shall bear on their face the words, Winchendon Sewerage Loan, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided that they shall not be sold or pledged for less than the par value thereof. The proceeds thereof shall be retained in the treasury and the treasurer shall, upon the order of said board of commissioners, pay therefrom the expenses incurred for the purposes aforesaid.

Winchendon Sewerage Loan.

SECTION 7. Instead of establishing a sinking fund the town may at the time of authorizing the said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the

Annual payments.

amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town is extinguished.

Payment of
loan.

SECTION 8. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds, notes or scrip issued under authority of this act, shall be applied by the board of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said systems of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds, notes or scrip issued under authority of this act not otherwise provided for, or to the payment or redemption of such bonds, notes or scrip, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not be sufficient for the purposes aforesaid in any year the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

Commission-
ers to appoint
a clerk, etc.

SECTION 9. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at its pleasure. The compensation of the commissioners shall be fixed by the town.

Contracts.

SECTION 10. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Rules and
regulations.

SECTION 11. Said board of commissioners may from time to time prescribe rules and regulations for connecting estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for each violation of any

Penalties.

such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Winchendon, if there be any, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publication has been made.

Rules, etc., to be published.

SECTION 12. No act shall be done under the authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health.

Plans to be approved by the state board of health.

SECTION 13. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose. The town may elect said board of sewer commissioners at the same meeting at which it accepts this act.

When to take effect.

Sewer commissioners, etc.

Approved April 5, 1906.

AN ACT RELATIVE TO WATER COURSES AND DRAINAGE IN THE TOWN OF BELMONT.

Chap. 246

Be it enacted, etc., as follows:

SECTION 1. The town of Belmont, for the purposes of surface and ground drainage and for the protection of the public health, may by its selectmen from time to time improve the brooks and natural streams and water courses in said town by widening the same, by removing obstructions in or over them, by diverting the water, or by altering the courses or deepening the channels or by constructing new channels, and may conduct the water of any such brook, stream or water course and any surface or ground water through pipes, covered conduits or open channels, or convert any such brook, stream or water course, whether in its original channel or after the alteration of the course of the same, wholly or in part, into a covered conduit; and for the purposes aforesaid may from time to time purchase or take land in fee simple or otherwise, or any right or easement in land, including any brook, stream, pond or water course, or part of any brook, stream, pond or water course which is wholly or partly within the boundaries of any land so purchased or taken, and may change the course of any brook, stream or water course so that it shall be within said boundaries, and may by the

Town of Belmont may improve certain water courses, etc.

May take certain land, etc.

construction of drains or otherwise divert any surface water or ground water into any brook, stream, pipe, conduit or channel constructed or maintained under authority of this act, and for the purposes of this act may conduct any brook, stream or drain across any railroad or street railway location, or across, along or under any way, without unnecessarily obstructing the same; and may enter upon any land or way or do any work thereon which the selectmen may deem necessary for said purposes, and may make such improvements on the land so taken or purchased as the selectmen shall deem necessary for the protection of the public health or for protecting the water of any brook, stream, water course, drain, conduit or channel against pollution or obstruction; and may construct such walks or ways thereon as the selectmen may deem necessary for public convenience, and may also enter upon the location of any railroad or railway corporation, by agreement with said corporation, for the purpose of improving in the manner hereinbefore provided brooks and natural streams flowing under or at the side of the railroad or railway tracks and within such location, and may do any work thereon which said selectmen shall deem necessary; and for the purposes of this act may enter into any contracts or agreements with any person or corporation.

Taking of
land, etc.

SECTION 2. When any land or easement or right is taken under the provisions of the preceding section, the proceedings for the taking shall be the same as the proceedings in the laying out of town ways. A description and plan of the land, easements or water or other rights so taken shall, within sixty days after the taking of the same, be filed for record by the town in the registry of deeds for the southern district of the county of Middlesex.

Damages.

SECTION 3. All claims for damages sustained by the taking of lands, rights or easements under authority of this act, otherwise than by purchase, or by any other act done under authority hereof, shall be ascertained and recovered in the manner now provided by law in the case of land taken for the laying out of town ways in said town: *provided*, that, except in the case of lands taken under the provisions of law for the assessment of betterments, in estimating the damages sustained by any person by the taking of his property, or by any other thing done by virtue of this act, there shall be allowed by way of set-off

Proviso.

the benefit, if any, to the property of such person resulting from the taking or from any other act so done.

SECTION 4. At any time within two years after any brook or natural stream or water course or the drainage in said town has been improved in any of the ways mentioned or referred to in the first section of this act, under a vote declaring the same to be done under the provisions of law authorizing the assessment of betterments, if, in the opinion of the selectmen, any real estate in said town, including that, if any, of which a part is taken therefor, receives any benefit or advantage therefrom beyond the general advantage to all real estate in said town, the selectmen may determine the value of such benefit and advantage to said real estate and may assess upon the same a proportionate share of the expense of making such improvement; but no such assessment shall exceed one half of such adjudged benefit and advantage, nor shall the same be made until the work of making such improvement is completed. All laws now or hereafter in force relative to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of ways in said town shall, so far as they may be applicable and not inconsistent with the provisions of this act, apply to the doings of the selectmen and of the town under this act; and all persons who are aggrieved by the assessment of betterments under the provisions of this act shall have the same remedies now or hereafter provided by law for persons aggrieved by the assessment or levy of betterments in the laying out of ways in said town.

Assessment of betterments.

Certain provisions of law to apply.

SECTION 5. No land, water rights or other rights shall be purchased as herein authorized, nor shall any of the work and acts herein authorized be undertaken or contracts therefor be made until an appropriation has been made of the moneys to be expended therefor.

No land, etc., to be taken until appropriation is made.

SECTION 6. If, in the opinion of the selectmen, it is not necessary for the town to retain the whole of the land or water rights which may be purchased or taken for the purposes of this act, such land or rights as it may no longer be necessary for the town to retain may be sold and conveyed by the town, provided such sale is authorized by vote of a majority of the voters of the town present and voting thereon at a town meeting duly called for the purpose.

Certain land may be sold.

Penalty for
injury to
water, etc.

SECTION 7. No person shall, without lawful authority, disturb, injure or destroy any work of said town constructed or maintained for the purposes of this act, nor pollute the waters of any brook, stream, water course, drain, conduit or channel in said town, nor put or maintain any obstruction therein. Whoever violates any provision of this section shall for each offence be punished by a fine not exceeding five hundred dollars or by imprisonment in the house of correction for a term not exceeding three months, or by both such fine and imprisonment.

Approved April 5, 1906.

Chap.247 AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO COMPENSATE CERTAIN PERSONS FOR DAMAGES SUSTAINED BY THEM.

Be it enacted, etc., as follows:

The city of
Worcester may
compensate
certain persons
for
damages.

SECTION 1. The city of Worcester is hereby authorized to appropriate and pay a sum not exceeding fifteen thousand dollars in full settlement of damages sustained respectively by heirs of William O'Connell, Henry Stead, Delia McInerny, heirs of Bridget Reidy, and Ellen Reynolds, by reason of the overflow of sewers in that city, caused by carrying out the provisions of chapter three hundred and thirty-one of the acts of the year eighteen hundred and eighty-six.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1906.

Chap.248 AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE DISTRICT COURT OF WINCHENDON.

Be it enacted, etc., as follows:

Office of clerk
of the district
court of
Winchendon
established,
etc.

SECTION 1. There shall be appointed by the governor, with the advice and consent of the council, a clerk of the district court of Winchendon, whose salary shall be three fifths of the salary of the justice thereof, and who shall perform the duties and have the powers prescribed by law in the case of clerks of like courts in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1906.

AN ACT RELATIVE TO WATER COURSES AND DRAINAGE IN THE TOWN OF WAKEFIELD. *Chap. 249*

Be it enacted, etc., as follows:

SECTION 1. The town of Wakefield, for the purposes of surface and ground drainage and for the protection of the public health, may by its selectmen from time to time improve the brooks and natural streams and water courses in said town by widening the same, by removing obstructions in or over them, by diverting the water, or by altering the courses or deepening the channels or by constructing new channels, and may conduct the water of any such brook, stream or water course and any surface or ground water through pipes, covered conduits or open channels, or convert any such brook, stream or water course, whether in its original channel or after the alteration of the course of the same, wholly or in part, into a covered conduit; and for the purposes aforesaid may from time to time purchase or take land in fee simple or otherwise, or any right or easement in land, including any brook, stream, pond or water course, or part of any brook, stream, pond or water course which is wholly or partly within the boundaries of any land so purchased or taken, and may change the course of any brook, stream or water course so that it shall be within said boundaries, and may by the construction of drains or otherwise divert any surface water or ground water into any brook, stream, pipe, conduit or channel constructed or maintained under authority of this act, and for the purposes of this act may conduct any brook, stream or drain across any railroad or street railway location, or across, along or under any way, without unnecessarily obstructing the same; and may enter upon any land or way or do any work thereon which the selectmen may deem necessary for said purposes; and may make such improvements on the land so taken or purchased as the selectmen shall deem necessary for the protection of the public health or for protecting the water of any brook, stream, water course, drain, conduit or channel against pollution or obstruction, and may construct such walks or ways thereon as the selectmen may deem necessary for public convenience, and may also enter upon the location of any railroad or railway corporation, by agreement with said corporation, for the purpose of im-

The town of Wakefield may improve certain water courses, etc.

May take certain land, etc.

proving in the manner hereinbefore provided brooks and natural streams flowing under or at the side of the railroad or railway tracks and within such location, and may do any work thereon which said selectmen shall deem necessary; and for the purposes of this act may enter into any contracts or agreements with any person or corporation.

Taking of
land.

SECTION 2. When any land or easement or right is taken under the provisions of the preceding section the proceedings for the taking shall be the same as the proceedings in the laying out of town ways. A description and plan of the land, easements or water or other rights so taken shall, within sixty days after the taking of the same, be filed for record by the town in the registry of deeds for the southern district of the county of Middlesex.

Damages.

SECTION 3. All claims for damages sustained by the taking of lands, rights or easements under authority of this act, otherwise than by purchase, or by any other act done under authority hereof, shall be ascertained and recovered in the manner now provided by law in the case of land taken for the laying out of town ways in said town: *provided*, that, except in the case of lands taken under the provisions of law for the assessment of betterments, in estimating the damages sustained by any person by the taking of his property, or by any other thing done by virtue of this act, there shall be allowed by way of set-off the benefit, if any, to the property of such person resulting from the taking or from any other act so done.

Proviso.

Assessment
of betterments.

SECTION 4. At any time within two years after any brook or natural stream or water course or the drainage in said town has been improved in any of the ways mentioned or referred to in the first section of this act, under a vote declaring the same to be done under the provisions of law authorizing the assessment of betterments, if, in the opinion of the selectmen, any real estate in said town, including that, if any, of which a part is taken therefor, receives any benefit or advantage therefrom beyond the general advantage to all real estate in said town, the selectmen may determine the value of such benefit and advantage to said real estate, and may assess upon the same a proportionate share of the expense of making such improvement; but no such assessment shall exceed one half of such adjudged benefit and advantage, nor shall the same

be made until the work of making such improvement is completed. All laws now or hereafter in force relative to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of ways in said town shall, so far as they may be applicable and not inconsistent with the provisions of this act, apply to the doings of the selectmen and of the town under this act; and all persons who are aggrieved by the assessment of betterments under the provisions of this act shall have the same remedies now or hereafter provided by law for persons aggrieved by the assessment or levy of betterments in the laying out of ways in said town.

SECTION 5. No land, water rights or other rights shall be purchased as herein authorized, nor shall any of the work and acts herein authorized be undertaken or contracts therefor be made until an appropriation has been made of the moneys to be expended therefor.

No land, etc., to be taken until appropriation is made.

SECTION 6. If, in the opinion of the selectmen, it is not necessary for the town to retain the whole of the land or water rights which may be purchased or taken for the purposes of this act, such land or rights as it may no longer be necessary for the town to retain may be sold and conveyed by the town, provided such sale is authorized by vote of a majority of the voters of the town present and voting thereon at a town meeting duly called for the purpose.

Certain land may be sold.

SECTION 7. No person shall, without lawful authority, disturb, injure or destroy any work of said town constructed or maintained for the purposes of this act, nor pollute the waters of any brook, stream, water course, drain, conduit or channel in said town, nor put or maintain any obstruction therein. Whoever violates any provision of this section shall for each offence be punished by a fine not exceeding five hundred dollars or by imprisonment in the house of correction for a term not exceeding three months, or by both such fine and imprisonment.

Penalty for injury to work, etc.

Approved April 5, 1906.

AN ACT TO PROVIDE FOR SUITABLE SANITARY CONDITIONS IN
FOUNDRIES.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. The proprietor of every foundry engaged in the casting of iron, brass, steel or other metal, and em-

Sanitary conditions in foundries.

playing ten or more men, shall establish and maintain, except in cities or towns where to do so would be impracticable by reason of the absence of public or private sewerage or of any running water system, toilet room of suitable size and condition for the men to change their clothes therein, and provided with wash bowls, sinks or other suitable set appliances connected with running hot and cold water, and also a water closet connected with running water and separated from the said toilet room. The said water closet and toilet room shall be connected directly with the foundry building, properly heated, ventilated and protected, so far as may be reasonably practicable, from the dust of the foundry.

Penalty for failure to comply with law.

SECTION 2. Whoever fails to comply with the provisions of this act, after being requested so to do by a member of the district police, shall be fined not more than fifty dollars for each offence.

When to take effect.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and seven.

Approved April 5, 1906.

Chap.251 AN ACT RELATIVE TO THE AUTHORITY OF SCHOOL COMMITTEES OVER ORGANIZATIONS OF SCHOOL PUPILS.

Be it enacted, etc., as follows:

School committee to control athletic organizations in schools.

SECTION 1. The school committee may supervise and control all athletic organizations composed of pupils of the public schools and bearing the name of the school.

May make conditions for competing organizations.

SECTION 2. It may directly or through an authorized representative determine under what conditions such organizations may enter into competition with similar organizations in other schools.

Approved April 5, 1906.

Chap.252 AN ACT TO AMEND THE CHARTER OF THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

1908, 345, § 7, amended.

SECTION 1. Section seven of chapter three hundred and forty-five of the acts of the year nineteen hundred and three is hereby amended by adding at the end thereof the following:— The board, upon request in writing of twenty-five per cent of the qualified voters, shall order placed upon the official ballot for a municipal election any question of public interest set forth in such request,

provided that such question can be answered by "Yes" or "No", — so as to read as follows: — *Section 7.* General meetings of the inhabitants of the city may from time to time be held, according to the right secured to the people by the constitution of the Commonwealth; and such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof shall, be called by the board of aldermen. The board, upon request in writing of twenty-five per cent of the qualified voters, shall order placed upon the official ballot for a municipal election any question of public interest set forth in such request, provided that such question can be answered by "Yes" or "No."

General meetings of inhabitants.

SECTION 2. Section twenty-two of said chapter is hereby amended by adding at the end thereof the following: — The board of aldermen shall have the right of inquiry and investigation into the conduct of any department of the city, and the expenditure of any appropriations made by the board; and any justice of the superior court, or of the supreme judicial court, sitting in equity, shall have power to enforce the provisions hereof on application of the board of aldermen. The office or position of any official of said city shall thereby become vacant if during his term he is convicted of any crime and is actually serving sentence for the same, — so as to read as follows: — *Section 22.* Except as otherwise provided herein the board of aldermen shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils and boards of aldermen under the general laws of the Commonwealth, and shall be subject to the duties imposed on city councils and boards of aldermen; and shall have and exercise all the powers, other than executive, given to selectmen of towns, and to the selectmen of the town of Medford, or to the city council of the city of Medford, under any special laws heretofore passed with reference to said town or city of Medford not inconsistent herewith. The board of aldermen shall have the right of inquiry and investigation into the conduct of any department of the city, and the expenditure of any appropriations made by the board; and any justice of the superior court, or of the supreme judicial court, sitting in equity, shall have power to enforce the provisions hereof on application of the board of aldermen. The office

1908, 345, § 22, amended.

Powers and duties of board of aldermen.

or position of any official of said city shall thereby become vacant if during his term he is convicted of any crime and is actually serving sentence for the same.

1908, § 45, § 37,
amended.

SECTION 3. Section twenty-seven of said chapter is hereby amended by striking out all after the word "board", in the eighth line, and inserting in place thereof the following: — If any such appointee has been rejected twice by the board of aldermen the mayor shall submit to the board the name of a new and different appointee. Any officer, except assessors, city collector and city treasurer so appointed, may be suspended by the mayor by the service of an order upon such officer, stating the specific cause or causes for such suspension, and by filing a certified copy of the same in the office of the city clerk, which shall be kept on file and subject to public inspection. The aforesaid service may be made either personally or at the last and usual place of abode of the officer in question. A statement of any action taken hereunder, together with a copy of the order of suspension, shall forthwith be transmitted to the board of aldermen by the mayor, and shall constitute a removal in fifteen days after such notice is received by the board, unless within said time such officer asks for a public hearing thereon before the board; such a hearing, if asked for, shall be given within one week thereafter, and upon the conclusion thereof, if the board shall determine by a vote of a majority of all of its members, taken by a call of the yeas and nays, that the mayor's suspension be not sustained, said official shall at once be reinstated, — so as to read as follows: — *Section 27.* The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city, unless their election or appointment is herein or by statute law otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when the appointment is transmitted to the board. If any such appointee has been rejected twice by the board of aldermen the mayor shall submit to the board the name of a new and different appointee. Any officer, except assessors, city collector and city treasurer so appointed, may be suspended by the mayor by the service of an order upon such officer, stating the specific cause or causes for such suspension, and by filing a certified copy of the same in the office of the city clerk, which shall be kept on file and subject to

Certain officers
to be appointed
by the mayor,
etc.

public inspection. The aforesaid service may be made either personally or at the last and usual place of abode of the officer in question. A statement of any action taken hereunder, together with a copy of the order of suspension, shall forthwith be transmitted to the board of aldermen by the mayor, and shall constitute a removal in fifteen days after such notice is received by the board, unless within said time such officer asks for a public hearing thereon before the board; such a hearing, if asked for, shall be given within one week thereafter, and upon the conclusion thereof, if the board shall determine by a vote of a majority of all of its members, taken by a call of the yeas and nays, that the mayor's suspension be not sustained, said official shall at once be reinstated.

SECTION 4. Section twenty-eight of said chapter is hereby amended by adding at the end thereof the following: — and such record shall be open to public inspection at all times during regular business hours, — so as to read as follows: — *Section 28.* The mayor shall cause to be kept a record of all his official acts, and for that purpose and to aid him in his official duties he may, without the confirmation of the board of aldermen, appoint one or more clerks, whose compensation shall be fixed by the board of aldermen; and such record shall be open to public inspection at all times during regular business hours.

1906, 245, § 28,
amended.

Record of
official acts of
the mayor to
be kept.

SECTION 5. Section thirty-nine of said chapter is hereby amended by striking out all after the word "city", in the thirteenth line, and inserting in place thereof the following: — Whenever mechanical or other work is required to be done by contract, or supplies are required for the city, at a cost amounting to five hundred dollars or more, the board, committee or head of department having the matter in charge shall advertise for bids therefor, stating in the advertisement the time and place of opening said bids, and reserving the right to reject any or all of them. The bids shall be opened in public. Every bid for doing such work or furnishing such supplies shall be accompanied by a suitable bond or other adequate security for the faithful performance of such bid, and all such bids shall be kept by the officer or board inviting the same, and shall be open to public inspection after they have been accepted or rejected. All contracts made by any department of the city, when the amount involved is one hundred dollars or more, shall be in writing, and no such

1906, 245, § 39,
amended.

contract shall be deemed to have been made or executed until the approval of the mayor is affixed thereto. All contracts made as aforesaid shall, when the amount is five hundred dollars or more, be accompanied by a bond with sureties, or by a deposit of money or other security for the faithful performance thereof, such bond, sureties or other security to be satisfactory to the board, committee or head of department having the matter in charge. Such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement signed by the contractor, the sureties on his bond, the officer or board making the contract, and by the mayor. If the amount involved is between one hundred and five hundred dollars such bond or other security, as above provided, may be required, and, except as otherwise provided herein or required by law, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor. The payment for expenditures made, or liability incurred by or in behalf of the city not in accordance with general laws, or with the provisions of said chapter three hundred and forty-five, or of acts in amendment thereof or in addition thereto, or with the ordinances made as therein provided, shall be void, and the city may recover it or the value thereof from the persons so receiving it or benefited thereby, — so as to read as follows: — *Section 39.* The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city. Whenever mechanical or other work is required to be done by contract, or supplies are required for the city, at a cost amounting to five hundred dollars or more, the board, committee or head of department having the matter in charge shall advertise for bids therefor, stating in the advertisement the time and place

Employment
of labor, mak-
ing of con-
tracts, etc.

of opening said bids, and reserving the right to reject any or all of them. The bids shall be opened in public. Every bid for doing such work or furnishing such supplies shall be accompanied by a suitable bond or other adequate security for the faithful performance of such bid, and all such bids shall be kept by the officer or board inviting the same, and shall be open to public inspection after they have been accepted or rejected. All contracts made by any department of the city, when the amount involved is one hundred dollars or more, shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor is affixed thereto. All contracts made as aforesaid shall, when the amount is five hundred dollars or more, be accompanied by a bond with sureties, or by a deposit of money or other security for the faithful performance thereof, such bond, sureties or other security to be satisfactory to the board, committee or head of department having the matter in charge. Such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement signed by the contractor, the sureties on his bond, the officer or board making the contract, and by the mayor. If the amount involved is between one hundred and five hundred dollars such bond or other security, as above provided, may be required, and, except as otherwise provided herein or required by law, no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor. The payment for expenditures made, or liability incurred by or in behalf of the city not in accordance with general laws, or with the provisions of said chapter three hundred and forty-five, or of acts in amendment thereof or in addition thereto, or with the ordinances made as therein provided, shall be void, and the city may recover it or the value thereof from the persons so receiving it or benefited thereby.

Employment of labor, making of contracts, etc.

SECTION 6. Section forty-two of said chapter is hereby amended by inserting after the word "aldermen", in the third line, the words:— or any committee thereof thereunto authorized by the board,— so as to read as follows:—*Section 42.* Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the board of aldermen,

1908, § 42, amended.

Officers to give certain information, etc.

or any committee thereof thereunto authorized by the board, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

SECTION 7. This act shall take effect upon its passage.

Approved April 5, 1906.

Chap.253 AN ACT TO EXTEND THE TIME WITHIN WHICH THE HAVERHILL AND BOXFORD STREET RAILWAY COMPANY MAY CONSTRUCT A BRIDGE OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

Time
extended for
constructing a
certain bridge
over the Merri-
mac river.

SECTION 1. The time within which the Haverhill and Boxford Street Railway Company may construct and complete a bridge over the Merrimac river in the city of Haverhill, under authority of chapter four hundred and forty-nine of the acts of the year nineteen hundred and four, is hereby extended for the period of one year beginning with the first day of January in the year nineteen hundred and six; but nothing herein shall be construed as a recognition or confirmation of the legality of the organization of said company or of any of the proceedings in connection therewith, nor as such a legislative approval of the proposed railway or bridge as to preclude the necessity for independent decisions by the boards of harbor and land commissioners and railroad commissioners under any provisions of said chapter four hundred and forty-nine, or of any general laws.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1906.

Chap.254 AN ACT TO PROVIDE THAT EXECUTIVE OFFICERS OF THE CITY OF NEWTON MAY BE REMOVED WITHOUT THE FORMAL PROCEDURE OF A PUBLIC TRIAL.

Be it enacted, etc., as follows:

1897, 288, § 18,
amended.

SECTION 1. Section sixteen of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out the

said section and inserting in place thereof the following:

— *Section 16.* The mayor may, in writing, suspend any executive officer or any work, and he shall at once report his action and his reasons therefor to the board of aldermen. Unless a regular meeting of the board is to be held within fourteen days thereafter, the mayor shall forthwith call a special meeting of the board for the purpose of acting on such suspension. Work suspended by the mayor may be carried on at his discretion until action is taken by the board. If the board shall, within fifteen days after receiving a report suspending any work, vote that the mayor's action be not sustained, the work shall be prosecuted forthwith. If the board shall, within fifteen days after receiving a report suspending any executive officer, vote that the mayor's action be not sustained, such officer shall at once be reinstated; otherwise, such suspension shall be a removal. But before acting upon such suspension the board shall, if he so requests in writing, give such officer an opportunity to appear and be heard in his own behalf.

The mayor may suspend certain officers, etc.

SECTION 2. This act shall be submitted to the voters of the city of Newton at the next state election, and if it is accepted by a majority of the voters voting thereon it shall take full effect on the first day of January in the year nineteen hundred and seven. The act shall be submitted in the form of the following question, to be printed upon the official ballot: "Shall chapter of the acts of the year nineteen hundred and six, providing that executive officers of the city of Newton may be removed without the formal procedure of a public trial, be accepted by the city?"

When to take effect., etc.

Approved April 6, 1906.

AN ACT TO AUTHORIZE FALLON BROTHERS TO CONSTRUCT A BRIDGE OVER QUINCY TOWN RIVER IN THE CITY OF QUINCY.

Chap.255

Be it enacted, etc., as follows:

Subject to such provisions of chapter ninety-six of the Revised Laws as may be applicable thereto, Fallon Brothers of the city of Quincy are hereby authorized to build a bridge over Quincy Town river in said city from a point on land or wharf belonging to said Fallon Brothers, on or near Field street in said city, to a point of land owned or controlled by the Quincy Dock Company bordering on the

Fallon Brothers may construct a bridge over Quincy Town river.

easterly side of said river. Said bridge shall be built with a draw having a width of fourteen feet, and shall be completed within two years after the passage of this act.

Approved April 6, 1906.

Chap.256 AN ACT RELATIVE TO THE APPOINTMENT OF ASSISTANT CLERKS
PRO TEMPORE OF CERTAIN COURTS.

Be it enacted, etc., as follows:

Assistant
clerks, pro
tempore, of
certain courts,
appointment.

SECTION 1. In case of the absence, death or removal of an assistant clerk of a police, municipal or district court, other than the municipal court of the city of Boston, whose office is established by law, the clerk, subject to the approval of the justice, may appoint an assistant clerk pro tempore, who shall act until the assistant clerk resumes his duties or until the vacancy is filled, and who shall receive from the county as compensation for each day's service an amount equal to the rate by day of the salary of the assistant clerk; but compensation so paid to an assistant clerk pro tempore for service, in excess of twenty days in any one calendar year, shall be deducted by the county treasurer from the salary of the assistant clerk.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1906.

Chap.257 AN ACT RELATIVE TO THE SERVICE OF JURORS IN THE COUNTIES OF MIDDLESEX AND NORFOLK.

Be it enacted, etc., as follows:

R. L. 176, § 3,
etc., amended.

Term of service of jurors in the county of Suffolk.

Section three of chapter one hundred and seventy-six of the Revised Laws, as amended by chapter three hundred and seven of the acts of the year nineteen hundred and four, is hereby further amended by striking out the words "counties of Suffolk, Middlesex and Norfolk", and inserting in place thereof the words: — county of Suffolk, — so as to read as follows: — *Section 3.* A person shall not serve as a traverse juror in the county of Suffolk more than thirty days at any sitting of the court, except to finish a case commenced within that time, nor in the trial of criminal cases at more than one sitting thereof during the year.

Approved April 6, 1906.

AN ACT RELATIVE TO THE LAYING OUT OF STREETS IN THE *Chap.258*
CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The board of street commissioners of the city of Boston may accept and lay out as a public highway any unaccepted street which is forty feet or more in width and of a grade satisfactory to said commissioners, and one end of which is connected with an accepted street, provided that the assessed value of the real estate on such street shall be not less than fifty dollars per lineal foot for lots not more than one hundred and fifty feet deep, and that such street, in the opinion of said board, is in safe condition for travel, and provided that the owners of not less than two thirds of the assessed value of the real estate on said street shall petition for such acceptance and laying out, and shall put said street in a condition satisfactory to said board.

Laying out of
streets in
Boston.

SECTION 2. If, in the opinion of said board, at any time it becomes necessary to pave or reconstruct such a street so accepted, nothing in this act shall be construed to prevent said board from passing an order for such paving or reconstruction, and from assessing upon the estates abutting on said street, under the statutes then existing for the assessment of benefits in said city, a betterment tax for the special benefit and advantage which may come to said estates from said order. *Approved April 7, 1906.*

Betterments
may be
assessed.

AN ACT RELATIVE TO SALE OF LAND OR BUILDINGS OWNED BY
THE CITY OF BOSTON AND USED FOR SCHOOL PURPOSES. *Chap.259*

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Boston, the school committee and the schoolhouse commissioners of said city, acting jointly, are hereby established and created a board with power to sell and convey any land or buildings owned by the said city which at the time of any such sale are or have been used for school purposes, and which the school committee, by a majority vote of all its members, shall have voted is advisable to sell. The board hereby established shall, after the passage of the vote of the school committee as aforesaid, forthwith offer for sale, and sell, when a suitable price can be obtained, the land or buildings

Board created
with power to
sell certain
land and
buildings in
Boston.

specified in said vote; and the mayor of said city, when authorized by a majority of the board hereby established, shall forthwith execute a proper instrument to convey such land or buildings. The school committee may continue to use any such land or buildings until the completion of the sale and conveyance thereof.

Power and
authority of
board.

SECTION 2. The said board established under and in accordance with the provisions of this act shall, for the purpose of carrying out the provisions of this act, have all the power and authority now vested in and possessed by the mayor, street commissioners and city council of said city of Boston relative to the sale of such land or buildings.

Proceeds of
sale, how
expended.

SECTION 3. The proceeds of any sale of land or buildings under the provisions of this act shall be expended by the schoolhouse commissioners of said city for the purchase of land and the erection of new buildings for school purposes, in accordance with the provisions of chapter four hundred and seventy-three of the acts of the year nineteen hundred and one, and acts in amendment thereof or in addition thereto.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 7, 1906.

Chap. 260 AN ACT TO RESTORE TO THE COUNTY COMMISSIONERS JURISDICTION OVER THE STREETS AND HIGHWAYS IN THE CITY OF MARLBOROUGH.

Be it enacted, etc., as follows:

1890, § 20, § 19,
amended.

Laying out of
streets, etc.

SECTION 1. Chapter three hundred and twenty of the acts of the year eighteen hundred and ninety is hereby amended by striking out section nineteen and inserting in place thereof the following: — *Section 19.* The city council shall have authority and power to order the laying out, locating anew, discontinuing of or making specific repairs in all streets, ways and highways within the limits of said city and to assess all damage sustained thereby; but all questions relating to the subject of laying out, altering or repairing or discontinuing any street, way or highway shall first be acted on by the board of aldermen. Any person aggrieved by any proceeding of the city council under this section shall have all the rights and privileges now

allowed by law in such cases, in appeals from the decisions of the selectmen of towns. Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners in relation to said streets, ways and highways.

SECTION 2. This act shall be submitted to the voters of the city upon the official ballot at the next city election, in the following form: "Shall chapter of the acts of the year nineteen hundred and six, being 'An Act to restore to the county commissioners jurisdiction over the streets and highways in the city of Marlborough', be accepted by the city?" and if a majority of the voters voting thereon vote "Yes", this act shall thereupon take effect.

When to take effect, etc.

Approved April 9, 1906.

AN ACT RELATIVE TO THE PUNISHMENT FOR LARCENY FROM CONVEYANCES OF COMMON CARRIERS AND EXPRESS COMPANIES.

Chap. 261

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six of chapter two hundred and eight of the Revised Laws is hereby amended by striking out all after the word "business", in the fifteenth line, and inserting in place thereof the following: — shall be punished for the first offence by imprisonment for not less than six months nor more than five years, or by a fine of not less than fifty dollars nor more than six hundred dollars, or by both such fine and imprisonment, and for a second offence by imprisonment for not less than eighteen months nor more than five years, or by a fine of not less than one hundred and fifty dollars nor more than six hundred dollars, or by both such fine and imprisonment, — so as to read as follows: — *Section 26.* Whoever steals, or, with intent to defraud, obtains by a false pretence, or whoever unlawfully and, with intent to steal or embezzle, converts or secretes with intent to convert, the money or personal chattel of another, whether such money or personal chattel is or is not in his possession at the time of such conversion or secreting, shall be guilty of larceny and shall, if the value of the property stolen exceeds one hundred dollars, be punished by imprisonment in the state prison for not more than five years or by a fine of not more than six hundred dollars and imprisonment in jail for not more than two years; or, if the value of the property stolen does not exceed one hundred dollars, shall be punished by

R. L. 208, § 26, amended.

Larceny, etc.

imprisonment in jail for not more than one year or by a fine of not more than three hundred dollars; or, if the property was stolen from the conveyance of a common carrier or of a person or corporation carrying on an express business, shall be punished for the first offence by imprisonment for not less than six months nor more than five years, or by a fine of not less than fifty dollars nor more than six hundred dollars, or by both such fine and imprisonment, and for a second offence by imprisonment for not less than eighteen months nor more than five years, or by a fine of not less than one hundred and fifty dollars nor more than six hundred dollars, or by both such fine and imprisonment.

Not to repeal
certain pro-
visions of law.

SECTION 2. Nothing in this act shall be so construed as to modify or repeal any of the provisions of section twenty of chapter two hundred and twenty of the Revised Laws.

Approved April 9, 1906.

Chap.262 AN ACT TO AUTHORIZE THE DETAILING OF MEMBERS OF THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE FOR TEMPORARY SERVICE IN THE DETECTIVE DEPARTMENT.

Be it enacted, etc., as follows:

Members of
inspection
department of
district police
may be
detailed for
detective
service.

SECTION 1. The chief of the district police may at any time detail any member of the inspection department of the district police for temporary service in the detective department.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1906.

Chap.263 AN ACT TO PROHIBIT THE SALE OF TROUT, EXCEPT THOSE ARTIFICIALLY REARED.

Be it enacted, etc., as follows:

Sale of trout,
etc., pro-
hibited.

Proviso.

SECTION 1. It shall be unlawful at any time within three years after April eighth, nineteen hundred and six, to buy or sell trout, or to offer trout for sale, within the Commonwealth: *provided, however*, that nothing in this act shall prevent the sale of trout artificially propagated or maintained or hatched from the egg in the house of the owner and grown in pools of said owner, in so far as the sale thereof is permitted by the laws of this Commonwealth now in force.

SECTION 2. Whoever violates any provisions of this act shall be punished by a fine of one dollar for each trout so bought, sold or offered for sale. Penalty.

SECTION 3. This act shall take effect on the eighth day of April in the year nineteen hundred and six. When to take effect.

Approved April 9, 1906.

AN ACT RELATIVE TO THE COST OF OPERATING THE BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF NEWBURYPORT AND THE TOWN OF SALISBURY. Chap.264

Be it enacted, etc., as follows:

SECTION 1. The cost of operating the bridge across the Merrimac river between the city of Newburyport and the town of Salisbury, known as the Newburyport bridge, shall be paid annually by the county of Essex, the city of Newburyport and the town of Salisbury, in the following proportions: — By the county of Essex, sixty per cent; by the city of Newburyport, thirty per cent; and by the town of Salisbury, ten per cent. But no payment hereunder shall be made until a statement of such cost, certified by the mayor of the city of Newburyport, is presented to the county commissioners of the said county, or to the treasurer of the said city or town, as the case may be. Cost of operating the bridge across the Merrimac river between Newburyport and Salisbury.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1906.

AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT REGISTER OF PROBATE OF BERKSHIRE COUNTY. Chap.265

Be it enacted, etc., as follows:

SECTION 1. That part of section one of chapter four hundred and fifty-five of the acts of the year nineteen hundred and four that is included under the sub-heading, "Assistant Registers", is hereby amended by inserting before the words "Franklin county", the words: — Berkshire county, assistant register, nine hundred dollars, — so that the part of said section under the sub-heading "Assistant Registers" will read as follows: — 1904, 455, § 1, amended.

ASSISTANT REGISTERS.

- (1) For Suffolk county, special salary, to wit: — Assistant register, twenty-eight hundred dollars.
- (2) For counties having three hundred thousand inhab-

Assistant registers.

Assistant
registers.

itants, or less, a salary equal to one half of the salary of the register, to wit: —

Berkshire county, assistant register, nine hundred dollars;

Franklin county, assistant register, six hundred dollars;
Hampshire county, assistant register, seven hundred dollars;

Norfolk county, assistant register, eleven hundred and fifty dollars;

Hampden county, assistant register, thirteen hundred dollars;

Bristol county, assistant register, sixteen hundred and fifty dollars.

(3) For counties having more than three hundred thousand inhabitants, a salary equal to two thirds of the salary of the register, to wit: —

Worcester county, assistant register, twenty-three hundred dollars;

Essex county, assistant register, twenty-three hundred dollars;

Middlesex county, assistant register, twenty-seven hundred dollars.

Repeal.

SECTION 2. So much of chapter two hundred and eighty-six of the acts of the year nineteen hundred and four as is inconsistent herewith is hereby repealed.

Salary of
assistant
register for
Berkshire
county.

SECTION 3. The salary of the assistant register for Berkshire county, as hereby established, shall be allowed and paid from the first day of January in the year nineteen hundred and six.

SECTION 4. This act shall take effect upon its passage.

Approved April 10, 1906.

Chap. 266

AN ACT TO GRANT TO THE BOARD OF RAILROAD COMMISSIONERS SUPERVISORY POWERS OVER EXPRESS COMPANIES.

Be it enacted, etc., as follows:

Railroad com-
missioners to
have super-
visory powers
over express
companies, etc.

SECTION 1. The board of railroad commissioners may, upon the complaint of any party interested, exercise over express companies, partnerships and individuals doing an express business upon railroads or railways in this Commonwealth supervisory power with regard to the character of accommodations and service furnished, and the reasonableness of rates charged.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1906.

AN ACT RELATIVE TO THE USE OF SIGNALS BY RAILROAD COMPANIES. *Chap. 267*

Be it enacted, etc., as follows:

SECTION 1. The board of railroad commissioners may from time to time require railroad companies to install and maintain at such places upon the railroad premises as it shall designate such block or other signals or devices as it shall approve for the purpose of safeguarding public travel.

Block signals, etc., to be maintained by railroad companies.

SECTION 2. The supreme judicial court shall have jurisdiction in equity to enforce compliance with any order issued by the board under authority of the preceding section.

The supreme judicial court to have jurisdiction.

Approved April 10, 1906.

AN ACT RELATIVE TO SUPPRESSING THE GYPSY AND BROWN TAIL MOTHS. *Chap. 268*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and eighty-one of the acts of the year nineteen hundred and five is hereby amended by inserting before the word "make", in the sixth line, the words:—subject to the approval of the governor,—and by inserting after the word "regulations", in the same line, the words:—governing all operations by cities, towns or individuals under this act,—so as to read as follows:—*Section 3.* The said superintendent shall act for the Commonwealth in suppressing said moths as public nuisances, in accordance with the provisions of this act. For this purpose he shall establish an office and keep a record of his doings and of his receipts and expenditures, and may, subject to the approval of the governor, make rules and regulations governing all operations by cities, towns or individuals under this act. He may employ such clerks, assistants and agents, including expert advisers and inspectors, as he may deem necessary and as shall be approved by the governor. He may make contracts on behalf of the Commonwealth; may act in co-operation with any person, persons, corporation or corporations, including other states, the United States or foreign governments; may conduct investigations and accumulate and distribute information concerning said moths; may devise, use and require all

1905, 881, § 3, amended.

Powers and duties of superintendent.

other lawful means of suppressing or preventing said moths; may lease real estate when he deems it necessary, and, with the approval of the board in charge, may use any real or personal property of the Commonwealth; may at all times enter upon the land of the Commonwealth or of a municipality, corporation, or other owner or owners, and may use all reasonable means in carrying out the purposes of this act; and, in the undertakings aforesaid, may, in accordance with the provisions of this act, expend the funds appropriated or donated therefor; but no expenditure shall be made or liability incurred in excess of such appropriations and donations.

1906, 881, § 4,
amended.

SECTION 2. Section four of said chapter is hereby amended by inserting after the word "eggs", in the fourth line, the word: — caterpillars, — and by inserting after the word "by", in the forty-seventh line, the words: — the superintendent and, — so as to read as follows: —

Cities and
towns to
destroy eggs,
etc.

Section 4. Cities and towns by such public officer or board as they shall designate or appoint, shall, under the advice and general direction of said superintendent, destroy the eggs, caterpillars, pupæ and nests of the gypsy and brown tail moths within their limits, except in parks and other property under the control of the Commonwealth, and except in private property, save as otherwise provided herein. When any city or town shall have expended within its limits city or town funds to an amount in excess of five thousand dollars in any one calendar year, in suppressing gypsy or brown tail moths, the Commonwealth shall reimburse such city or town to the extent of fifty per cent of such excess above said five thousand dollars.

Certain cities
and towns to
be reimbursed.

Cities or towns, where one twenty-fifth of one per cent of the assessed valuation of real and personal property is less than five thousand dollars, and where the assessed valuation of real and personal property is greater than six million dollars, shall be reimbursed by the Commonwealth to the extent of eighty per cent of the amount expended by such cities or towns of city or town funds in suppressing the gypsy and brown tail moths in any one calendar year, in excess of said one twenty-fifth of one per cent.

Common-
wealth to make
certain ex-
penditures.

In the case of towns where the assessed valuation of real and personal property is less than six million dollars, after they have expended in any one calendar year town funds to an amount equal to one twenty-fifth of one per cent of their assessed valuation of real and personal property,

the Commonwealth shall expend within the limits of such towns, for the purpose of suppressing the gypsy and brown tail moths, such an amount in addition as the superintendent with the advice and consent of the governor shall recommend. Disbursements made by said last named towns in excess of said one twenty-fifth of one per cent shall be reimbursed by the Commonwealth every sixty days; but in the case of all others the Commonwealth shall reimburse cities and towns annually according to the provisions of this act.

No city or town shall be entitled to any reimbursement from the Commonwealth until it has submitted to the auditor of the Commonwealth itemized accounts and vouchers showing the definite amount expended by it for the purpose of this act; nor shall any money be paid out of the treasury of the Commonwealth to cities or towns, pursuant to the provisions of this act, until said vouchers and accounts have been approved by the superintendent and the auditor of the Commonwealth.

Accounts and vouchers to be submitted to the auditor, etc.

For the purposes of this section the years nineteen hundred and five and nineteen hundred and seven shall be considered half years, and the valuation for the year nineteen hundred and four shall be taken as a basis.

Certain years to be considered half years.

SECTION 3. Section five of said chapter is hereby amended by inserting after the word "nuisance", in the third line, the words:— or is not conducting the necessary work in a proper manner,— by inserting after the word "necessary", in the sixth line, the words:— and in accordance with such methods as the superintendent, with the consent of the governor, shall prescribe,— and by inserting after the word "expend", in the ninth and thirteenth lines, the words:— exclusive of any reimbursement received from the Commonwealth,— so as to read as follows:— *Section 5.* When, in the opinion of the superintendent, any city or town is not expending a sufficient amount for the abatement of said nuisance, or is not conducting the necessary work in a proper manner, then the superintendent shall, with the advice and consent of the governor, order such city or town to expend such an amount as the superintendent shall deem necessary, and in accordance with such methods as the superintendent, with the consent of the governor, shall prescribe: *provided*, that no city or town where the assessed valuation of real and personal property exceeds six million dollars

1905, § 5, amended.

Superintendent to order expenditures by cities and towns.

Proviso.

shall be required to expend, exclusive of any reimbursement received from the Commonwealth, during any one full year more than one fifteenth of one per cent of such valuation, and that no town where the assessed valuation of real and personal property is less than six million dollars shall be required to expend, exclusive of any reimbursement received from the Commonwealth, during any one full year more than one twenty-fifth of one per cent of such valuation. For the purposes of this section the valuation of the year nineteen hundred and four shall be used.

Penalty.

Any city or town failing to comply with the directions of the said superintendent in the performance of said work within the date specified by him shall pay a fine of one hundred dollars a day for failure so to do; said fine to be collected by information brought by the attorney-general in the supreme judicial court for Suffolk county.

1906, 881, § 6,
amended.

Cities and
towns to
notify owners
of land to
destroy nests,
etc.

SECTION 4. Section six of said chapter is hereby amended by inserting after the word "eggs", in the ninth, thirteenth, seventeenth and twenty-third lines, the word: — caterpillars, — so as to read as follows: — *Section 6.* The mayor of every city and the selectmen of every town shall, on or before the first day of November in each year, and at such other times as he or they shall see fit, or as the state superintendent may order, cause a notice to be sent to the owner or owners, so far as can be ascertained, of every parcel of land therein which is infested with said moths; or, if such notification appears to be impracticable, then by posting such notice on said parcels of land, requiring that the eggs, caterpillars, pupæ and nests of said moths shall be destroyed within a time specified in the notice.

Parts of
premises may
be designated,
etc.

When, in the opinion of the mayor or selectmen, the cost of destroying such eggs, caterpillars, pupæ and nests on lands contiguous and held under one ownership in a city or town shall exceed one half of one per cent of the assessed value of said lands, then a part of said premises on which said eggs, caterpillars, pupæ or nests shall be destroyed may be designated in such notice, and such requirement shall not apply to the remainder of said premises. The mayor or selectmen may designate the manner in which such work shall be done, but all work done under this section shall be subject to the approval of the state superintendent.

If the owner or owners shall fail to destroy such eggs, caterpillars, pupæ or nests in accordance with the requirements of the said notice, then the city or town, acting by the public officer or board of such city or town designated or appointed as aforesaid, shall, subject to the approval of the said superintendent, destroy the same, and the amount actually expended thereon, not exceeding one half of one per cent of the assessed valuation of said lands, as heretofore specified in this section, shall be assessed upon the said lands; and such an amount in addition as shall be required shall be apportioned between the city or town and the Commonwealth in accordance with the provisions of section four of this act. The amounts to be assessed upon private estates as herein provided shall be assessed and collected, and shall be a lien on said estates, in the same manner and with the same effect as is provided in the case of assessments for street watering.

Lands may be assessed in case owners fail to destroy nests, etc.

SECTION 5. Section seven of said chapter is hereby amended by striking out the words "in excess of one twenty-fifth of one per cent or of five thousand dollars as provided in said section", in the fifty-second, fifty-third and fifty-fourth lines, so that the last paragraph of said section will read as follows:—If, in the opinion of the assessors, the owner of an estate upon which an assessment as aforesaid has been made is, by reason of age, infirmity or poverty unable to pay the assessment, they may upon application abate the same. Every city or town in rendering an account to the state auditor as provided for in section four of this act shall deduct from such amount as it has expended the total amount it has received for work performed under section six of this act during the term covered by the account: *provided*, such work was performed under such conditions as require reimbursement in whole or in part by the state.

1905, 881, § 7, amended.

Assessment, etc.

Proviso.

SECTION 6. Section eleven of said chapter is hereby amended by inserting after the word "employed", in the third line, the words:—by said superintendent or by any of said officials,—and by inserting after the word "act", in the fourth line, the words:—or who knowingly fails to comply with any of the rules or regulations issued by said superintendent,—so as to read as follows:—*Section 11.* A person who wilfully resists or obstructs the superintendent or an official of a city or town, or a servant or agent duly employed by said superintendent or by any

1905, 881, § 11, amended.

Penalty for obstructing, etc.

of said officials, while lawfully engaged in the execution of the purposes of this act, or who knowingly fails to comply with any of the rules or regulations issued by said superintendent, shall forfeit a sum not exceeding twenty-five dollars for each offence.

SECTION 7. This act shall take effect upon its passage.

Approved April 10, 1906.

Chap.269 AN ACT RELATIVE TO SERVICE OF TRUSTEE PROCESS UPON FOREIGN CORPORATIONS DOING BUSINESS WITHIN THIS COMMONWEALTH.

Be it enacted, etc., as follows:

Service of writ upon corporation, validity, etc.

In an action by trustee process in which a foreign corporation having a usual place of business within this Commonwealth is designated as trustee, service of the writ upon the treasurer or other officer of such corporation shall be of the same effect and validity as if made upon the commissioner of corporations.

Approved April 10, 1906.

Chap.270 AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO BORROW MONEY, OUTSIDE OF THE STATUTORY LIMIT OF INDEBTEDNESS, FOR THE PURPOSE OF CONSTRUCTING SEWERS.

Be it enacted, etc., as follows:

Town of Peabody may borrow money for sewer purposes.

SECTION 1. For the purpose of constructing a system of main drains and common sewers for the whole or a part of its territory, the town of Peabody is hereby authorized to borrow a sum not exceeding one hundred and fifty thousand dollars, and to issue therefor bonds, notes or scrip. Such bonds, notes or scrip shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws, and of all acts in amendment thereof or in addition thereto, except that they shall not be reckoned in determining the statutory limit of indebtedness of the town.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1906.

Chap.271 AN ACT RELATIVE TO RETURNS TO BE MADE TO THE TAX COMMISSIONER.

Be it enacted, etc., as follows:

R. L. 14, § 4, amended.

SECTION 1. Section four of chapter fourteen of the Revised Laws is hereby amended by striking out the words "twentieth day of June", in the first and second lines,

and inserting in place thereof the words: — first day of May, — by striking out the words “the preceding”, in the fourth line, and inserting in place thereof the word: — said, — and by striking out the word “with”, in the fifth line, and inserting in place thereof the words: — and as soon as may be thereafter, — so as to read as follows: — *Section 4.* He shall annually, on or before the first day of May, forward to the assessors of every city and town a list of all corporations organized under the laws of this Commonwealth, known to him to be liable on said first day of May to taxation on their corporate franchises or property, and as soon as may be thereafter copies of the list furnished by such corporation under the provisions of section six, and with such other information as in his judgment will assist them in the assessment of taxes.

Tax commis-
sioner to
forward lists
of taxable
corporations.

SECTION 2. Section seventeen of said chapter fourteen is hereby amended by striking out the word “December”, in the second line, and inserting in place thereof the word: — November, — so as to read as follows: — *Section 17.* The tax commissioner shall annually, as soon as may be after the first Monday in November, certify to the treasurer and receiver general the amounts assessed and collected for that year in respect of shares in such banks or other corporations owned absolutely by any society, district or institution of the classes specified in clauses three and four of section five of chapter twelve, and the treasurer and receiver general shall thereupon pay over such amounts to such society, district or institution owning such shares.

R. L. 14, § 17,
amended.

Certificate of
bank tax, etc.

SECTION 3. Section nineteen of said chapter fourteen is hereby amended by striking out the words “within ten days after the first Monday of June and of December”, in the ninth line, and inserting in place thereof the words: — on or before the twenty-fifth day of May and of November, — so as to read as follows: — *Section 19.* Every savings bank and institution for savings shall pay to the treasurer and receiver general, on account of its depositors, an annual tax of one-half of one per cent on the amount of its deposits, one-half thereof to be assessed by the tax commissioner upon the average amount of such deposits for the six months preceding the first day of May and one-half to be so assessed upon the average amount of such deposits for the six months preceding the first day of November. Such tax shall be paid semi-annually on or

R. L. 14, § 19,
amended.

Taxation of
savings banks
deposits, etc.

before the twenty-fifth day of May and of November, each payment to consist of the amount of the tax as determined by the last preceding assessment; but so much of said deposits as is invested in real estate for banking purposes or in loans secured by mortgages of taxable real estate, and, for the period limited in clause nine of section twenty-six of chapter one hundred and thirteen, so much of said deposits as is invested in real estate the title to which has been acquired by the completion of foreclosure, or by purchase, pursuant to said section, shall be exempt from taxation under the provisions of this section.

R. L. 14, § 20,
amended.

Insurance
return.

SECTION 4. Section twenty of said chapter fourteen is hereby amended by striking out the words "second Monday", in the second line, and inserting in place thereof the words:—tenth day,—so as to read as follows:—*Section 20.* Every savings bank and institution for savings shall semi-annually, on or before the tenth day of May and of November, make a return to the tax commissioner, signed and sworn to by its president and treasurer, of the amount of its deposits on the first day of said May and November, and of the average amount of its deposits for the six months preceding each of said days. Every such corporation which neglects to make such return shall forfeit fifty dollars for each day during which such neglect continues. If it wilfully makes a false statement in such return it shall be punished by a fine of not less than five hundred nor more than five thousand dollars.

R. L. 14, § 22,
amended.

Taxation of
Massachusetts
Hospital Life
Insurance
Company.

SECTION 5. Section twenty-two of said chapter fourteen is hereby amended by striking out the words "second Monday", in the second line, and inserting in place thereof the words:—tenth day,—so as to read as follows:—*Section 22.* The Massachusetts Hospital Life Insurance Company shall annually, on or before the tenth day of May and November, make a return, signed and sworn to by a majority of its board of directors, of the full amount of all money and property, in detail, in its possession or charge as deposits, trust funds or for purposes of investment, and shall pay upon all the same, except upon deposits invested in loans secured by mortgages of taxable real estate, the same rate of tax imposed upon savings banks on account of deposits. If said corporation neglects to make such return, it shall forfeit fifty dollars for each day such neglect continues; and if it wilfully makes a false statement in any such return, it shall be punished

by a fine of not less than five hundred nor more than five thousand dollars.

SECTION 6. Section thirty-two of said chapter fourteen is hereby amended by striking out the word "November", in the third and eleventh lines, and inserting in place thereof the word: — October, — and by striking out the words "thirty-first day of October", in the seventh and eighth lines and in the eighteenth line, and inserting in place thereof the words: — thirtieth day of September, — so as to read as follows: — *Section 32.* Every company liable to taxation under the provisions of sections twenty-six and thirty shall annually, between the first and fifteenth days of October, make a return to the tax commissioner, signed and sworn to by its secretary or other officer having knowledge of the facts, stating the amount insured by said company, and the premiums received and assessments collected by it during the year ending on the preceding thirtieth day of September. Every foreign company, association or partnership, including associations formed upon the plan known as Lloyds, authorized to do business in the Commonwealth, shall annually, between the first and fifteenth days of October, make a return to the tax commissioner, in such form as he shall prescribe, signed and sworn to by its secretary, manager or other officer having knowledge of the facts, of the amount insured by it upon property or interests in this Commonwealth, and the premiums and assessments upon such insurance charged on contracts made by it or its agents in this Commonwealth during the year ending on the preceding thirtieth day of September. Such returns shall state the whole amount of premiums charged by or in behalf of said company, association and partnership either in cash or in notes absolutely payable, the amount claimed as a deduction therefrom under any of the provisions of this chapter, and also the classes of deductions and the amount of each class.

R. L. 14, § 32,
amended.

Returns of
insurance
companies.

SECTION 7. Section eighty-eight of chapter one hundred and eighteen of the Revised Laws is hereby amended by striking out the word "November", in the twenty-ninth line, and inserting in place thereof the word: — October, — and by striking out the words "thirty-first day of October", in the thirty-first line, and inserting in place thereof the words: — thirtieth day of September, — so as to read as follows: — *Section 88.* Upon written notice by an authorized foreign insurance company of its appoint-

R. L. 118, § 88,
amended.

Licenses to
agents of
foreign com-
panies.

Licenses to
agents of
foreign com-
panies.

ment of a suitable person to act as its agent within this Commonwealth, and the payment of two dollars, the insurance commissioner shall, if the facts warrant it, grant to such person a license, which shall state in substance that the company is authorized to do business in this Commonwealth and that the person named therein is a constituted agent of the company for the transaction of such business as it is authorized to do in this Commonwealth. Said license shall continue in force until the first day of April next after its issue, and, by the renewal thereof on the annual payment for such renewal of two dollars before the first day of April, until revoked by the commissioner for non-compliance with the laws or until the company, by written notice to the insurance commissioner, cancels the agent's authority to act for it. While such license remains in force the company shall be bound by the acts of the person named therein within his apparent authority as its acknowledged agent.

Name of state
or country to
be exhibited,
etc.

Every person acting for a foreign insurance company shall exhibit in conspicuous letters, on the sign designating his place of business, the name of the state or country under whose authority the company he represents has been incorporated or formed. And said company and agent shall also have printed in large type the name of such state or country and the kind of company, whether mutual or stock, upon all policies issued to citizens of this Commonwealth, on all cards, placards and pamphlets, and in all advertisements published, issued or circulated in this Commonwealth by it or him, relative to the business of such company.

Return to tax
commissioner,
etc.

Every agent of a foreign insurance company shall annually, on or before the fifteenth day of October, make return to the tax commissioner of all business transacted by him as such agent during the year ending with the thirtieth day of September last preceding, in such form as the tax commissioner may prescribe; and all books, papers and accounts of his agency shall be open to the inspection of the tax commissioner at any time to enable him to verify the statements and transactions aforesaid. If such agent neglects or refuses to make such return, or refuses to submit the books, papers and accounts of his agency to such inspection, the tax commissioner shall report such neglect or refusal to the insurance commissioner, who shall thereupon cancel the license to such agent and make publication

thereof, and the license so cancelled shall not be renewed within one year thereafter; but only such agents shall be subject to this provision as are not accountable to any other agent in this Commonwealth for premiums received.

SECTION 8. Section thirty-three of chapter fourteen of the Revised Laws is hereby amended by striking out the words "tenth day of December", in the tenth, twelfth, seventeenth and eighteenth lines, and inserting in place thereof the words: — twentieth day of November, — so as to read as follows: — *Section 33.* The tax commissioner,

R. L. 14, § 33,
amended.

from such returns, and from such other evidence as he may obtain, shall assess upon such companies, associations and partnerships, including associations formed upon the plan known as Lloyds, and their agents, the taxes imposed by sections twenty-six to twenty-nine, inclusive, and shall forthwith upon making such assessment give notice in writing to such companies, associations and partnerships, or their agents in the Commonwealth, stating the respective amounts payable by them. Such taxes shall be paid to the treasurer and receiver general on the twentieth day of November next following the date fixed for making the returns. The tax commissioner shall annually, on or before the twentieth day of November, deliver to the treasurer and receiver general a certificate stating the name of every such company, association, partnership and agent upon whom such tax has then been assessed, and the amount assessed upon each, and a like certificate of such further assessments as may be made after that date. All such taxes, whether assessed before or after the twentieth day of November, shall bear interest at the rate of twelve per cent per annum from that date until they are paid.

Assessment
and notice to
companies.

SECTION 9. Section forty of said chapter fourteen is hereby amended by inserting after the word "rate", in the fourth line, the words: — equal to the average of the annual rates for three years preceding that in which such assessment is laid, the annual rate to be, — so as to read as follows: — *Section 40.* Every corporation subject to the provisions of section thirty-seven shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section thirty-eight, at a rate equal to the average of the annual rates for three years preceding that in which such assessment is laid, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the

R. L. 14, § 40,
amended.

Tax to be paid
on corporate
franchise.

Commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter; but if the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to the secretary of the Commonwealth, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to the secretary, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

R. L. 14, § 54,
amended.

SECTION 10. Section fifty-four of said chapter fourteen is hereby amended by striking out the words "first day of November", in the ninth line, and inserting in place thereof the words:—twentieth day of October,—so as to read as follows:—*Section 54.* The tax commissioner shall annually, as soon as may be after the first Monday of August, notify the treasurer of every corporation, company or association, or the secretary or general agent of every life insurance company, liable to a tax under the provisions of sections twenty-four, thirty-five, thirty-six, forty, forty-one, forty-eight, fifty-one and fifty-three, of the amount thereof, that it will be due and payable to the treasurer and receiver general within thirty days after the date of such notice, but not before the twentieth day of October, and that within ten days after the date of such notice the corporation, company or association may apply for a correction of said tax, and be heard thereon by the board of appeal.

Notice of tax,
etc.

R. L. 12, § 93,
etc., amended.

SECTION 11. Section ninety-three of chapter twelve of the Revised Laws, as amended by chapter one hundred and eighty-one of the acts of the year nineteen hundred and four, is hereby further amended by striking out the word "August", in the second line, and inserting in place thereof the word:—July,—and by striking out the words "at the same time", in the fourteenth and seventeenth lines, respectively, and inserting in place thereof the words:—on or before the first Monday of August,—so as to read as follows:—*Section 93.* Assessors shall annually, on or before the first Monday of July, return to the tax

Return to tax
commissioner
of corporate
property, etc.

commissioner the names of all corporations, except banks of issue and deposit, having a capital stock divided into shares, chartered by the Commonwealth or organized under the general laws for the purposes of business or profit and established in their respective cities and towns or owning real estate therein, and a statement in detail of the works, structures, real estate and machinery owned by each of said corporations and situated in such city or town, with the value thereof, on the first day of May preceding, and the amount at which the same is assessed in said city or town for the then current year. They shall also, on or before the first Monday of August, return to the tax commissioner the amount of taxes laid, or voted to be laid, within said city or town, for the then current year, for state, county and town purposes. They shall also, on or before the first Monday of August, return to the tax commissioner the names of all foreign corporations which have a usual place of business within said city or town. If the assessors neglect to comply with the requirements of this section, each assessor so neglecting shall forfeit one hundred dollars.

SECTION 12. Section seventy-four of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, as amended by chapter two hundred and sixty-one of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "rate", in the fifth line, the words:— equal to the average of the annual rates for the three years preceding that in which the assessment is laid, the annual rate,— and by inserting after the word "Laws", in the tenth line, the words:— as amended by this act,— so as to read as follows:— *Section 74.* Every domestic corporation which is subject to the provisions of this act shall in each year pay to the treasurer and receiver general a tax upon the value of its corporate franchise, after making the deductions provided for in section seventy-two, at a rate equal to the average of the annual rates for the three years preceding that in which the assessment is laid, the annual rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the Commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws, as amended by this act, after deducting

1903, 487, § 74,
etc., amended.

Taxation of
value of corpo-
rate franchise,
etc.

Taxation of
value of corpo-
rate franchise,
etc.

therefrom the amount of tax assessed upon polls for the preceding year, as certified to the secretary, upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter of the Revised Laws. But the said tax upon the value of the corporate franchise after making the deductions provided for in section seventy-two, shall not exceed a tax levied at the rate aforesaid upon an amount, less said deductions, twenty per cent in excess of the value, as found by the tax commissioner, of the real estate, machinery and merchandise, and of securities which if owned by a natural person resident in this Commonwealth would be liable to taxation; and the total amount of tax to be paid by such corporation in any year upon its property locally taxed in this Commonwealth and upon the value of its corporate franchise shall amount to not less than one tenth of one per cent of the market value of its capital stock at the time of said assessment as found by the tax commissioner. If the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to the secretary of the Commonwealth, may be adopted for the purpose of this determination.

1906, 487, § 77,
amended.

Tax commis-
sioner to notify
corporations
liable to tax,
etc.

SECTION 13. Section seventy-seven of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the words "first day of November", in the eighth line, and inserting in place thereof the words: — twentieth day of October, — so as to read as follows: — *Section 77.* The tax commissioner shall, annually, as soon as may be after the first Monday of August, give notice to the treasurer of every domestic corporation which is liable to a tax under the provisions of section seventy-four of the amount thereof, that it will be due and payable to the treasurer and receiver general within thirty days after the date of such notice, but not before the twentieth day of October; and that, within ten days after the date of such notice, the corporation may apply for a correction of said tax and be heard thereon by the board of appeal authorized by the provisions of section sixty-five of chapter fourteen of the Revised Laws.

SECTION 14. This act shall take effect upon its passage.

Approved April 11, 1906.

AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO INCUR INDEBTEDNESS FOR THE PURPOSE OF SECURING BETTER PROTECTION AGAINST LOSS OF PROPERTY BY FIRE. Chap. 272

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence, for the purpose of extending its high pressure water service, may incur indebtedness beyond the statutory debt limit to an amount not exceeding fifty thousand dollars, and may issue bonds, notes or scrip therefor to that amount. Such bonds, notes or scrip shall be payable within such periods, not exceeding thirty years from the date thereof, and shall bear such rate of interest, not exceeding four per cent per annum, as the city council shall determine, and, except as otherwise provided herein, the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

City of Lawrence may borrow money for purposes of fire protection.

SECTION 2. The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of said city in each year in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the city is extinguished.

Annual payments on loan.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1906.

AN ACT TO PROVIDE THAT INSPECTORS OF SMALL ARMS PRACTICE IN THE MILITIA SHALL HAVE THE RANK OF CAPTAIN. Chap. 273

Be it enacted, etc., as follows:

SECTION 1. Section twenty-eight of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five is hereby amended by inserting after the word "subsistence", in the fifth line, the words: — one inspector of small arms practice, — and by striking out the words "one inspector of small arms practice", in the seventh and eighth lines, so as to read as follows: — *Section 28.* To each regiment there shall be one colonel, one lieutenant

1905, 465, § 28, amended.

Regimental, cavalry and artillery officers.

Regimental,
cavalry and
artillery
officers.

colonel, three majors, and a staff consisting of one surgeon with the rank of major, one regimental adjutant, one quartermaster, one commissary of subsistence, one inspector of small arms practice, one paymaster who shall be mustering officer, and one assistant surgeon, each with the rank of captain; one assistant surgeon, and three battalion adjutants, each with the rank of first lieutenant; one second lieutenant to each battalion as quartermaster and commissary of subsistence; and one chaplain. To each squadron of cavalry there shall be one major, and a staff consisting of one assistant surgeon with the rank of captain, one adjutant, one quartermaster, one commissary of subsistence, one assistant surgeon, one paymaster who shall be mustering officer, one inspector of small arms practice, each with the rank of first lieutenant, and one chaplain. To each battalion of field artillery there shall be one major, and a staff consisting of one assistant surgeon with the rank of captain, one adjutant, one quartermaster, one commissary of subsistence, one assistant surgeon, one paymaster who shall be mustering officer, each with the rank of first lieutenant, and one chaplain. There shall be attached to the headquarters of each regiment, squadron of cavalry and battalion of field artillery such non-commissioned staff officers, color sergeants, guidon sergeants, musicians, orderlies or other enlisted men as the commander-in-chief shall prescribe in accordance with the provisions of section thirty-four.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1906.

Chap. 274 AN ACT RELATIVE TO THE PROTECTION OF WOOD OR SUMMER DUCK.

Be it enacted, etc., as follows:

Protection of
wood or
summer duck.

SECTION 1. It shall be unlawful, prior to the first day of September in the year nineteen hundred and eleven, to hunt, capture, wound or kill a wood or summer duck.

Penalty.

SECTION 2. Whoever violates the provisions of this act shall be punished by a fine of not more than fifty dollars for each violation. The possession of any wood duck or summer duck, or any part thereof, shall be prima facie evidence of a violation of the provisions of this act.

Approved April 12, 1906.

AN ACT TO PROVIDE FOR AN INCREASE IN THE NUMBER OF THE TRUSTEES OF THE LOWELL TEXTILE SCHOOL. *Chap. 275*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and sixteen of the acts of the year nineteen hundred and five is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* Graduates of the Lowell textile school who hold the diploma of the trustees and faculty thereof may choose by ballot one trustee for the term of two years from the first day of July next succeeding such election, one trustee for the term of three years from said date and one trustee for the term of four years from said date, and thereafter may elect one trustee annually for the full term of four years. Said trustees shall be in addition to those provided for by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-five, and by acts in amendment thereof or in addition thereto. No officer, instructor or other employee of said corporation or school, and no person graduated at the school in the year in which the election is held, shall be eligible for election as such trustee. The trustee elected at the annual meeting in the year nineteen hundred and five, under the act of which this is an amendment, for the term of two years from July first, nineteen hundred and five, shall hold his membership in said corporation until the expiration of the term for which he was elected.

1905, 216, § 1,
amended.

Graduates of
Lowell textile
school may
elect addi-
tional trustees.

SECTION 2. His honor the lieutenant governor and the secretary of the board of education shall be ex officio members of the corporation styled the Trustees of the Lowell Textile School.

Members
ex officio.

Approved April 12, 1906.

AN ACT TO PROVIDE FOR AN ADDITIONAL ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS FOR THE COUNTY OF SUFFOLK. *Chap. 276*

Be it enacted, etc., as follows:

SECTION 1. The justices of the superior court, or a majority of them, may appoint an additional assistant clerk of said court for civil business in the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall receive in full for all services performed by him an

Assistant
clerk, superior
court, county
of Suffolk,
appointment,
etc.

annual salary of twenty-five hundred dollars, to be paid by said county.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1906.

Chap.277 AN ACT RELATIVE TO THE POSTING OF NOTICES OF CIVIL SERVICE EXAMINATIONS.

Be it enacted, etc., as follows:

Notices of civil service examination to be posted, etc.

SECTION 1. The civil service commissioners shall from time to time prepare notices of civil service examinations and send them to the clerks of the several cities and towns in the Commonwealth, who shall cause the same to be posted in the city and town halls and in other conspicuous places in their respective municipalities. Of such notices there shall be posted conspicuously not less than five in every town, and not less than twenty-five in every city, including one in each ward.

Penalty.

SECTION 2. Any city or town clerk who shall refuse or wilfully neglect to comply with the provisions of this act, or any person who shall maliciously tear down, destroy, deface or injure any such notice prior to the date of the examination or examinations of which notice is given therein, shall be liable to a fine of not more than twenty-five dollars.

Approved April 12, 1906.

Chap.278 AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF RUFFED GROUSE.

Be it enacted, etc., as follows:

R. L. 92, § 12, amended.

Section twelve of chapter ninety-two of the Revised Laws is hereby amended by striking out the words "or snaring of ruffed grouse, commonly called partridge, or", in the second and third lines, and inserting in place thereof the words: — other than by snare, of, — so as to read as follows: — *Section 12* The provisions of the preceding section shall not apply to the trapping, other than by snare, of hares or rabbits upon his land by an owner of land, or by a member of his family if authorized by him, between the first day of October and the first day of December.

Trapping of ruffed grouse, etc.

Approved April 12, 1906.

AN ACT RELATIVE TO THE EXPENSE OF THE CONSTRUCTION OF
A NEW DRAWBRIDGE OVER THE CANAL ON WESTERN AVENUE
IN THE CITY OF GLOUCESTER. *Chap. 279*

Be it enacted, etc., as follows:

Section two of chapter two hundred and fifty-four of the acts of the year nineteen hundred and five is hereby amended by striking out the word "fifty-five", in the second line, and inserting in place thereof the word: — seventy-two, — so as to read as follows: — *Section 2.* The expense incurred under this act shall not exceed the sum of seventy-two thousand dollars, and shall be paid in the first instance from the treasury of the county of Essex.

1905, 254, § 2,
amended.

The Boston and Northern Street Railway Company shall pay into the treasury of said county as their proportion of the expense of said bridge and the approaches thereto a sum equal to ten per cent of said expense, but not to exceed the sum of fifty-five hundred dollars, and, provided that said Boston and Northern Street Railway Company shall pay into the treasury of said county the said amount and shall enter into an agreement with the county commissioners of said county to keep that part of the roadway upon said bridge between the tracks of the company and eighteen inches outside thereof in repair and safe for public travel, subject to such conditions as said commissioners shall impose, said company shall thereupon have and is hereby granted a location upon said bridge for the construction and maintenance of its tracks, poles and wires, and for the operation of its railway thereon, and the location herein granted shall not be revoked except by the county commissioners of the county of Essex, after public notice and a hearing, and no such revocation shall be valid until approved by the board of railroad commissioners. The amount of any assessment paid by said company under this section shall be deemed, in all proceedings thereafter, as a part of the value of its property for street railway purposes; and the company may issue stock or bonds to meet the expenses incurred under this act to an amount approved by the board of railroad commissioners as reasonably necessary to provide for the payment thereof.

Payment of
expense of
constructing
bridge, etc.

The county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required

Location
granted to
Boston and
Northern
Street Railway
Company, etc.

County com-
missioners
may borrow
money on
credit of the
county.

for such cost and expenses. All moneys so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay out the same as ordered by said county commissioners, and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

Approved April 13, 1906.

Chap.280 AN ACT RELATIVE TO PARTIAL PAYMENTS OF LOANS MADE BY CO-OPERATIVE BANKS.

Be it enacted, etc., as follows:

R. L. 114, § 17,
amended.

Partial pay-
ments on
loans.

SECTION 1. Chapter one hundred and fourteen of the Revised Laws is hereby amended by striking out section seventeen and inserting in place thereof the following:—
Section 17. Partial payments of loans shall be received in amounts of fifty dollars or a multiple thereof, and payments of a less amount may be received in such amount as may be fixed by the by-laws. For each two hundred dollars so repaid upon a real estate loan one share of stock shall be released from pledge.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1906.

Chap.281 AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

Be it enacted, etc., as follows:

Registered
pharmacists
may sell
intoxicating
liquor on
prescription,
etc.

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

Certificate of
fitness.

SECTION 2. The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than one dollar, issue to registered pharmacists cer-

tificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. Penalty.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.
Approved April 14, 1906.

AN ACT RELATIVE TO THE IMPRISONMENT OF WOMEN.

Chap. 282

Be it enacted, etc., as follows:

SECTION 1. The sentence of a female who is convicted of a felony shall be executed in the reformatory prison for women only. The sentence of a female convicted of a misdemeanor shall not be executed in the reformatory prison for women unless it appears to the court that she has previously been sentenced to fine or imprisonment. Imprisonment of women, etc.

SECTION 2. Nothing in this act shall be so construed as to modify or repeal any of the provisions of chapter two hundred and nine of the acts of the year nineteen hundred and three relative to sentences to the reformatory prison for women. 1903, 209, to apply.
Approved April 14, 1906.

AN ACT RELATIVE TO SAFEGUARDS AGAINST FIRE IN CERTAIN CARS OPERATED BY RAILROAD COMPANIES.

Chap. 283

Be it enacted, etc., as follows:

Section two hundred and eleven of chapter one hundred and eleven of the Revised Laws is hereby amended by striking out the words "in which heating apparatus may be placed", in the third line, and by striking out the word "approve", in the fifth line, and inserting in place thereof the word: — order, — so as to read as follows: — *Section 211.* Every passenger, baggage, mail and express car, which is owned or regularly used on any railroad in this Commonwealth, shall be provided with such safeguards against fire as the board in writing shall order. A corporation which violates the provisions of this section shall forfeit three hundred dollars for each offence. R. L. 111, § 211, amended.
Safeguards against fire.

Approved April 14, 1906.

Chap.284 AN ACT RELATIVE TO THE EMPLOYMENT AND SCHOOL ATTENDANCE OF MINORS.

Be it enacted, etc., as follows:

Employment
of minors, etc.,
educational
conditions.

SECTION 1. The ability to read at sight and to write legibly simple sentences in the English language, which is required by chapter two hundred and sixty-seven of the acts of the year nineteen hundred and five, amending section twenty-eight of chapter one hundred and six of the Revised Laws, as a condition of the employment of certain minors in factories or otherwise, shall be construed as meaning, in the year nineteen hundred and six, such ability to read and write as is required for admission to the second grade, in the year nineteen hundred and seven such as is required for admission to the third grade, and in the year nineteen hundred and eight and thereafter such as is required for admission to the fourth grade of the public schools of the city or town in which such minors live.

Certain minors
may be per-
mitted to work
on Saturdays.

SECTION 2. Minors to whom the said chapter two hundred and sixty-seven applies shall be permitted to work on Saturdays between the hours of six in the morning and seven in the evening, in mercantile establishments.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1906.

Chap.285 AN ACT TO AUTHORIZE THE BOSTON SAFE DEPOSIT AND TRUST COMPANY TO HOLD REAL ESTATE.

Be it enacted, etc., as follows:

Boston Safe
Deposit and
Trust Com-
pany may hold
real estate
in Boston.

SECTION 1. The Boston Safe Deposit and Trust Company, incorporated by chapter one hundred and fifty-one of the acts of the year eighteen hundred and sixty-seven, is hereby authorized to invest its surplus to an amount not exceeding two million dollars in real estate, in the city of Boston, suitable for the transaction of its business.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1906.

AN ACT RELATIVE TO THE ORGANIZATION OF CORPORATIONS
FOR THE DISTILLING OR MANUFACTURING OF INTOXICATING
LIQUORS. *Chap. 286*

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the words "or to distil or manufacture intoxicating liquors", in the sixth line, so as to read as follows:— *Section 7.* Three or more persons may associate themselves by a written agreement of association with the intention of forming a corporation under general laws for any lawful purpose which is not excluded by the provisions of section one except to buy and sell real estate.

1903, 437, § 7,
amended.

Organization
under general
laws for cer-
tain purposes.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1906.

AN ACT RELATIVE TO OBJECTIONS OF OWNERS OF REAL ESTATE
TO THE GRANTING OF LICENSES FOR THE SALE OF INTOXI-
CATING LIQUORS. *Chap. 287*

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter one hundred of the Revised Laws is hereby amended by inserting after the word "granted", in the eighth line, the words:— unless the applicant therefor shall, for the two years next preceding the date of his application, have held a license for the sale of intoxicating liquors upon said premises, — by inserting after the word "granted", in the ninth line, the words:— to an applicant who has not held for the two years next preceding the date of his application a license to sell intoxicating liquors as a common victualler upon said premises, — and by inserting at the end of said section the following:— If, after such objection filed as aforesaid, a license shall be granted to an applicant, who, for the two years next preceding the date of his application, has held a license to sell intoxicating liquors as a common victualler upon said premises, the owner of any such real estate may apply for a hearing to a police, district, municipal court or trial justice within whose jurisdiction the licensed premises are situated, and if it shall appear to the satisfaction of such court or magistrate either that said objections are made in good faith or that the

R. L. 100, § 15,
amended.

granting of said license and the business carried on thereunder will be a detriment to the reasonable use and enjoyment of such real estate of said objecting owner, said court or magistrate shall notify the licensing board thereof, and said license shall be inoperative and of no effect in said premises: *provided, however*, that said board may transfer the license to other premises. If the licensing board refuses to transfer the license, or if the licensee shall elect to surrender said license, the city or town in which the license has been exercised shall then refund to the licensee or his legal representatives that part of the license fee proportionate to the unexpired term of the license and his court fees and costs. Where at the time of the application no license for the sale of intoxicating liquors as a common victualler on the premises in question is in force, the licensing board shall in addition to the notice required by section fourteen of this chapter send written notice of such application, together with a copy of said section fourteen and of this section, to the owner or owners of the above mentioned real estate so far as they are disclosed by the records of the assessors, — so as to read as follows: —

Owners of adjoining property may object to the granting of licenses, etc.

Section 15. If before the expiration of the ten days following the publication of the notice, as required by the preceding section, the owner of any real estate within twenty-five feet of the premises described in an application for a license to be exercised by a common victualler to sell liquors to be drunk on the premises notifies the licensing board in writing that he objects to the granting of the license, no license to sell intoxicating liquors to be drunk on said premises shall be granted, unless the applicant therefor shall, for the two years next preceding the date of his application, have held a license for the sale of intoxicating liquors upon said premises. If, after such objection has been filed, a license is granted to an applicant who has not held for the two years next preceding the date of his application a license to sell intoxicating liquors as a common victualler upon said premises, the owner of any such real estate may apply for a hearing to a police, district or municipal court or trial justice within whose jurisdiction the premises are situated; and said court or trial justice, if it appears that due notice was given by the said owner of his objection to the granting of such license, shall revoke the license and send notice thereof to the licensing board. A city or town in which such license has been so

revoked shall refund to said licensee or his legal representatives the money expended by him for said license and his court fees and costs. If, after such objection filed as aforesaid, a license shall be granted to an applicant, who, for the two years next preceding the date of his application, has held a license to sell intoxicating liquors as a common victualler upon said premises, the owner of any such real estate may apply for a hearing to a police, district, municipal court or trial justice within whose jurisdiction the licensed premises are situated, and if it shall appear to the satisfaction of such court or magistrate either that said objections are made in good faith or that the granting of said license and the business carried on thereunder will be a detriment to the reasonable use and enjoyment of such real estate of said objecting owner, said court or magistrate shall notify the licensing board thereof, and said license shall be inoperative and of no effect in said premises: *provided, however,* that said board may transfer the license to other premises. If the licensee shall elect to surrender said license, the city or town in which the license has been exercised shall then refund to the licensee or his legal representatives that part of the license fee proportionate to the unexpired term of the license and his court fees and costs. Where at the time of the application no license for the sale of intoxicating liquors as a common victualler on the premises in question is in force, the licensing board shall in addition to the notice required by section fourteen of this chapter send written notice of such application, together with a copy of said section fourteen and of this section, to the owner or owners of the above mentioned real estate so far as they are disclosed by the records of the assessors.

Proviso.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved April 14, 1906.*

Repeal.

AN ACT RELATIVE TO SCALLOPS.

Chap. 288

Be it enacted, etc., as follows:

Section eighty-four of chapter ninety-one of the Revised Laws is hereby amended by striking out the word "seed", in the first line, and by inserting after the word "scallops", in the same line, the words: — less than two inches in diameter, said diameter being a straight line drawn

R. L. 91, § 84,
amended.

Taking
scallops under
a certain size
prohibited.

from the outside edge of the scallop perpendicular to the middle point of the outside line of the hinge, — so as to read as follows:— *Section 84.* Whoever takes scallops less than two inches in diameter, said diameter being a straight line drawn from the outside edge of the scallop perpendicular to the middle point of the outside line of the hinge, from the flats or waters of the Commonwealth shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence; but such penalty shall not be incurred by any person taking such scallops who returns them alive to the flats or waters from which they were taken.

Approved April 14, 1906.

Chap.289 AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE FOR THE CLERK OF THE POLICE COURT OF BROCKTON.

Be it enacted, etc., as follows:

Clerk of
police court of
Brockton may
employ
assistance.

SECTION 1. The clerk of the police court of Brockton shall be allowed for clerical assistance, upon his certificate stating the time occupied and the name of the person or persons by whom the work was performed, provided the justice of said court shall certify that the work was necessary and was actually performed, such sums not exceeding eight hundred dollars in any one year as the county commissioners for the county of Plymouth may approve. Such sums shall be paid monthly from the treasury of the county to the person or persons employed.

Repeal.

SECTION 2. So much of section sixty-seven of chapter one hundred and sixty of the Revised Laws as is inconsistent herewith is hereby repealed.

When to take
effect.

SECTION 3. This act shall take effect upon its passage, but shall cease to be operative whenever an assistant clerk of said court is appointed. *Approved April 14, 1906.*

Chap.290 AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

1904, 451, § 1,
amended.

SECTION 1. Section one of chapter four hundred and fifty-one of the acts of the year nineteen hundred and four is hereby amended by striking out the words "fifty-seven hundred", in the sixth line of *Class I*, and inserting in place thereof the words:— six thousand,— so that that part of said section shall read as follows:— *Class I.*—

Counties having a population of five hundred thousand or more, to wit, the counties of Suffolk and Middlesex; salaries:— Clerk of the courts (including Suffolk county clerks of superior court for civil and criminal business), six thousand dollars; commissioners (Suffolk, none), six thousand dollars; treasurer (Suffolk, none), thirty-five hundred dollars.

Class I,
salaries of
county officers.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A LICENSING BOARD AND A POLICE COMMISSIONER OF THE CITY OF BOSTON. *Chap. 291*

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint from the two principal political parties three citizens of Boston, who shall have resided therein for at least two years immediately preceding the date of their appointment, who shall constitute a licensing board for said city and who shall be sworn to the faithful performance of the duties of their office before entering on the same.

Licensing
board for the
city of Boston,
appointment,
etc.

They shall not be in the employ of any person or corporation engaged in the manufacture or sale of intoxicating liquors, or in any way, directly or indirectly, pecuniarily interested in the manufacture or sale of intoxicating liquors, or in any business which requires a license to be issued by them.

Not to engage
in certain
employments.

One member of said board shall be designated by the governor as chairman and two members shall constitute a quorum. Their terms of office shall be so arranged and designated at the time of appointment that the term of one member shall expire on the first Monday of June, nineteen hundred and eight, of another on the first Monday of June, nineteen hundred and ten, and of the third on the first Monday of June, nineteen hundred and twelve. Upon the expiration of the term of any member of said board, the governor, with the advice and consent of the council, shall appoint his successor for the term of six years. Vacancies in the board shall be filled by the governor, with the advice and consent of the council, for the unexpired term. The members of said board may be removed by the governor, with the advice and consent of the council,

Chairman.

Terms of
office, etc.

Removal.

Secretary. for such cause as he shall deem sufficient. Such cause shall be stated in the order of removal. The board shall appoint a secretary, who shall be exempt from the civil service law, who shall be sworn to the faithful performance of the duties of his office, and who shall keep a record of all proceedings, issue all notices and attest such papers and orders as said board shall direct. His term of office shall be six years, but he may be removed by said board for such cause as it shall deem sufficient. Such cause shall be stated in its order of removal.

Salaries. SECTION 2. The annual salary of the chairman of said board shall be four thousand dollars, that of each of the other two members thirty-five hundred dollars, and that of the secretary twenty-five hundred dollars. Such salaries shall be paid in monthly instalments by the city of Boston. Subject to the approval of the governor and council, said board shall be provided with such rooms, in the headquarters of the police commissioner hereinafter named, as shall be convenient and suitable for the performance of its duties, the rent of which shall be paid by the city of Boston. Said rooms shall be suitably furnished and equipped, and the expense therefor shall be paid by said city upon requisition of said board.

Clerks, stenographers, etc. SECTION 3. Said board may employ such clerks, stenographers and office employees, and such legal assistance, as it may deem necessary, and the expense thereof and all incidental expenses incurred by the board in the performance of its duties and the exercise of its powers shall be paid by said city upon requisition of the board.

Powers and duties. SECTION 4. Except as otherwise provided herein, said board shall exclusively exercise in said city all the powers and perform all the duties conferred or imposed upon the board of police of the city of Boston, and upon licensing boards by sections ten to ninety, both inclusive, of chapter one hundred of the Revised Laws and amendments thereof, relative to intoxicating liquors, and by chapter one hundred and two of the Revised Laws and amendments thereof, relative to innholders and common victuallers.

Said board shall also exercise, except as otherwise herein provided, all the powers and perform all the duties now conferred or imposed by law upon the board of police of the city of Boston, relative to the licensing of picnic groves, skating rinks, intelligence offices, billiard tables and bowling alleys.

All licenses issued by said board shall be signed by a majority of the members thereof and shall be recorded in the office of said board, and all fees for said licenses shall be paid into the treasury of said city.

Licenses, fees, etc.

SECTION 5. Said licensing board shall annually in the month of December make a report to the governor.

Annual report.

All records of said board shall at all times be open to the inspection of the governor, the mayor of said city, and of such persons as may be designated by either of them.

Records, etc.

SECTION 6. Said board shall certify to the police commissioner hereinafter mentioned the name of each applicant for a license, the name of each person to whom a license is issued, the date when each license goes into effect, the kind or class of the license, every change of location or place of business for the exercise of such license, and every transfer of a license ordered by it.

Applicants for license.

SECTION 7. The governor, with the advice and consent of the council, shall appoint a single police commissioner for the city of Boston, who shall be a citizen of Boston and who shall have resided therein for at least two years immediately preceding the date of his appointment. Such police commissioner shall not engage in any other business and shall be sworn to the faithful performance of the duties of his office before entering upon the same.

Police commissioner, appointment, etc.

Said police commissioner shall be appointed for a term of five years, beginning on the first Monday in June, in the year nineteen hundred and six, and shall hold his office until his successor is appointed and qualified, and any vacancy occurring shall be filled by the governor, with the advice and consent of the council, by an appointment for a term of five years.

Term of office.

Said police commissioner may be removed by the governor, with the advice and consent of the council, for such cause as he shall deem sufficient. Such cause shall be stated in his order of removal.

Removal.

Said police commissioner shall appoint a secretary, who shall be exempt from the civil service law, who shall be sworn to the faithful performance of his duties and who shall keep such records, issue such notices and attest such papers and orders as said police commissioner shall direct. His term of office shall be five years, but he may be removed by said police commissioner for such cause as he shall deem sufficient. Such cause shall be stated in his order of removal.

Secretary, etc.

Salaries.

SECTION 8. The annual salary of the police commissioner shall be six thousand dollars, and of the secretary three thousand dollars, which shall be paid in monthly instalments by the city of Boston. Subject to the approval of the governor and council, the police commissioner shall be provided with such rooms, which shall be suitably furnished, as shall be convenient and suitable for the performance of his duties, the expense of which shall be paid by the city of Boston.

City of Boston
to provide
office accom-
modations, etc.

The city of Boston shall provide all such accommodations for the police of said city as said police commissioner may require. All buildings and property used by said police shall be under control of said police commissioner.

Clerks, etc.

Said police commissioner may employ such clerks, stenographers and other employees as he may deem necessary for the proper performance of the duties of his office.

Expenses.

All expenses for the maintenance of buildings, the pay of the police, clerks, stenographers and other employees, and all incidental expenses incurred in the performance of the duties of said commissioner or in the administration of said police shall be paid by the city of Boston upon the requisition of said police commissioner.

Legal
assistance.

SECTION 9. Said police commissioner may employ such legal assistance as he may deem necessary in the performance of his duties, and may incur expense therefor to an amount not exceeding thirty-five hundred dollars in any municipal year, which expense shall be paid by the city of Boston upon the requisition of said police commissioner.

Police com-
missioner to
organize the
police, etc.

SECTION 10. The police commissioner shall have authority to appoint, establish and organize the police of said city and to make all needful rules and regulations for its efficiency. He shall from time to time appoint a trial board, to be composed of three captains of police, to hear the evidence in such complaints against members of the force as the commissioner may deem advisable to refer to said board. Said trial board shall report its findings to said commissioner who may review the same and take such action thereon as he may deem advisable. Except as otherwise provided herein all the powers and duties now conferred or imposed by law upon the board of police of the city of Boston, are hereby conferred and imposed upon said police commissioner. All licenses issued by said police commissioner shall be signed by him and recorded in his office.

Powers and
duties.

SECTION 11. The said police commissioner may at any time, subject to removal by him at his pleasure, designate some member of the police force to be acting police commissioner.

Acting police commissioner.

In case of the absence or disability of the police commissioner without his having designated an acting commissioner, the superintendent of police, or, in case of his absence or disability, the next ranking officer, or where there are two such officers of equal rank, the senior officer in date of appointment, shall be acting commissioner while such absence or disability continues. An acting police commissioner shall receive no extra compensation for services as such.

Superintendent to act in absence of the commissioner.

SECTION 12. The members of the Boston police force, including reserve police officers, in office when the said commissioner is first appointed shall continue to hold their several offices until removed or placed on the retired list by the said police commissioner in accordance with law; and the present rules and regulations of the board of police for the said city shall continue in force until otherwise ordered by said police commissioner.

Members of present police force to remain in office.

All police officers now in office or appointed by said police commissioner shall have and exercise within the limits of said city all the powers conferred by law upon constables, except in relation to the service of civil process, and all the powers conferred upon the police as watchmen.

Powers, etc.

SECTION 13. Except as authorized by the mayor of said city said commissioner shall not appoint any greater number of patrolmen than the present board of police of the said city is now authorized to appoint, nor shall the pay of the members of the police force other than said police commissioner and superintendent of police be increased or diminished, except by the concurrent action of said mayor and said police commissioner. The police commissioner may, without such concurrent action, fix the salary of the superintendent of police, which shall not exceed five thousand dollars per annum.

Number of patrolmen limited.

Salary of commissioner.

SECTION 14. Said police commissioner shall annually in the month of December make a report to the governor. The records of said police commissioner shall at all times be open to the inspection of the governor, the mayor of said city, and of such persons as may be designated by either of them.

Annual report.

Violation of
conditions of
license, etc.

SECTION 15. If said police commissioner is at any time of the opinion that a person holding a license to sell intoxicating liquors in the city of Boston has violated or permitted a violation of any condition of his license, said police commissioner shall forthwith give notice to such licensee of the violation or violations aforesaid, and shall transmit to said licensing board a report in writing containing a statement of the conditions of the license that have been violated, together with a copy of said notice. If said licensing board, after a hearing as prescribed by section forty-seven of chapter one hundred of the Revised Laws, shall determine that said license shall be forfeited, they shall, within fifteen days after the receipt of the report of said commissioner, so notify said licensee and said commissioner; and said notice may be served upon said licensee by a police officer of said city, by delivering the same to him in hand or by leaving it at the place of abode of the licensee or at the place where the business authorized by such license is carried on. Upon such notice the license shall become forfeited. If said licensing board finds that said license should not be forfeited, they shall, within fifteen days after the receipt of the report aforesaid, notify said commissioner of such finding, and shall also notify said licensee.

Forfeited
license, etc.

SECTION 16. If a license becomes forfeited the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license no license shall be exercised on said premises for the residue of the term of the license so forfeited.

Fitness of
licensee.

SECTION 17. It shall be the duty of the police commissioner and his subordinates to obtain and to furnish to the licensing board such information as may be required by the said board from them or from any of them relative to the character or fitness of a licensee of said board or of an applicant for any license which said board is empowered to issue, relative to the place at which the business authorized by any license is or is proposed to be conducted, and also relative to the manner in which any business authorized by any license is at any time being conducted. Such information may be given in writing or orally as said licensing board may require.

Powers and
duties, etc.

SECTION 18. All the powers heretofore vested in and the duties heretofore imposed by law upon the board of

police of the city of Boston, under the provisions of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three, as amended by chapter two hundred and forty-five of the acts of the year nineteen hundred and four, relative to the listing and registration of voters in said city, shall be, and the same hereby are, vested in and imposed upon a listing board to be composed of the police commissioner of said city and one member of the Boston board of election commissioners, who shall annually be appointed by the mayor, without confirmation by the board of aldermen, for the term of one year and who shall belong to that one of the two leading political parties of which said police commissioner is not a member. Said powers and duties shall hereafter be exercised and performed by said board as herein constituted or by police officers subject to the jurisdiction of said police commissioner. In case of disagreement between the two members of said board, the chief justice of the municipal court of the city of Boston, or, in case of his disability, the senior justice of said court who is not disabled, shall for the purpose of settling such disagreement be a member of said board and shall preside and cast the deciding vote, in case of a tie.

Powers and duties, etc.

SECTION 19. The said police commissioner or mayor of said city may, if in the judgment of either of them exigency requires, suspend and make inoperative any license to sell intoxicating liquors during any period of tumult, riot or violent disturbance of public order, and any licensee who, personally or by his servants or agents, sells, furnishes or delivers any intoxicating liquors during such suspension shall be punished by a fine of two hundred dollars for each offence, and his license shall become forfeited.

License may be suspended.

SECTION 20. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 21. This act shall take effect on the first day of June in the year nineteen hundred and six.

When to take effect.

Approved April 14, 1906.

Chap.292 AN ACT TO PROHIBIT THE USE OF LIVE DUCK DECOYS IN THE TAKING OR KILLING OF BLACK DUCKS IN THE COUNTY OF NANTUCKET.

Be it enacted, etc., as follows:

Use of live
duck decoys
prohibited.

SECTION 1. It shall be unlawful to use live duck decoys for the taking or killing of black ducks in the county of Nantucket.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than twenty nor more than fifty dollars for each offence.

Approved April 16, 1906.

Chap.293 AN ACT RELATIVE TO THE IDENTIFICATION OF CRIMINALS.

Be it enacted, etc., as follows:

Identification
of criminals.

Whenever the officer in charge of a prison, lock-up or other place of detention, has received a request from any authority, either by circular or otherwise, to assist in the apprehension of a fugitive from justice, such officer may take an exact description of any person who is committed to such prison, lock-up or other place of detention, and may include in such descriptions copies of the finger prints in accordance with the finger print system of identification. But said officer shall not take a description of a person who, he has reason to believe, is not a fugitive from justice. Copies of all descriptions so made shall be forthwith transmitted to the office of the prison commissioners, there to be recorded and kept in the manner provided in section two of chapter four hundred and fifty-nine of the acts of the year nineteen hundred and five.

Approved April 21, 1906.

Chap.294 AN ACT RELATIVE TO THE FURNISHING OF A NEW BUILDING AT SALEM FOR THE COUNTY OF ESSEX, AND TO THE CONSTRUCTION OF A HEATING PLANT IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

New building
to be con-
structed for
the county of
Essex.

SECTION 1. The county commissioners of the county of Essex are hereby authorized to construct, on land now or hereafter acquired by them in the city of Salem, an isolated building, and to equip the same with a heating plant for the purpose of heating the new building authorized to

be constructed by chapter four hundred and twenty-three of the acts of the year nineteen hundred and five, and also the county buildings adjacent to the said new building. The said building for a heating plant shall be constructed and equipped subject to the provisions of said chapter relating to the construction and equipment of the said new building.

SECTION 2. For the purpose of furnishing and equipping the said new building authorized to be constructed by said chapter four hundred and twenty-three, and also for construction of the building hereby authorized for the heating plant, and for equipping the said building with a sufficient heating plant, the said county commissioners are hereby authorized to expend the sum of eighty thousand dollars: *provided*, that the same is expended subject to the provisions of said chapter four hundred and twenty-three.

Furnishing and equipping of new building.

Proviso.

SECTION 3. The said county commissioners may borrow eighty thousand dollars in addition to the three hundred thousand dollars authorized to be borrowed by section five of said chapter four hundred and twenty-three, upon the same terms and conditions and subject to the same provisions which are specified in said section five.

County may borrow additional sum of money.

SECTION 4. This act shall take effect upon its passage.

Approved April 21, 1906.

AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO PAY SUMS OF MONEY TO THE WIDOWS OF CERTAIN FIREMEN.

Chap. 295

Be it enacted, etc., as follows:

SECTION 1. The city of Springfield is hereby authorized to pay sums not exceeding one thousand dollars each to the widows of captain Sidney Bowers and call-man Francis E. Hines, who lost their lives while in the performance of their duty at the recent fire which destroyed the Highland Baptist church in that city.

City of Springfield may pay certain sums of money, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1906.

AN ACT RELATIVE TO THE MAKING OF ANNUAL RETURNS BY CITIES AND TOWNS TO THE BUREAU OF STATISTICS OF LABOR.

Chap. 296

Be it enacted, etc., as follows:

SECTION 1. The auditor or other accounting officer of each city and town in this Commonwealth shall annually

Statement of receipts and expenses of cities and

towns to be
furnished.

furnish to the chief of the bureau of statistics of labor, on blanks provided by him, a return for such city or town containing a summarized statement of all revenues and all expenses for the last fiscal year of that city or town; a detailed statement of all receipts and all disbursements of the last fiscal year, arranged upon uniform schedules prepared by the chief of the bureau of statistics of labor; statements of the income and expense for each public industry maintained or operated by such city or town and of all the costs therefor, expenditures for construction and for maintenance and operation being separately stated; a statement of the public debt of said city or town, showing the purpose for which each item of the debt was created and the provisions made for the payment thereof, and a statement of all current assets and all current liabilities of such city or town at the close of its fiscal year.

Tabulation of
returns.

SECTION 2. The substance of these returns shall be compiled and tabulated by the chief of the bureau of statistics of labor as a part of the annual report of said bureau, which shall be issued at the expense of the Commonwealth in the same manner as other public documents issued by said bureau, and said report shall contain such suggestions and recommendations as the chief may deem expedient.

Additional
clerk, etc.

SECTION 3. The chief of the bureau of statistics of labor may employ an additional clerk to have charge of and to compile the aforesaid municipal returns, and he shall be paid out of the treasury of the Commonwealth an annual salary of two thousand dollars, and shall be allowed a sum not exceeding one thousand dollars for travelling and other necessary expenses.

SECTION 4. This act shall take effect upon its passage.

Approved April 21, 1906.

Chap.297 AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO
MAKE A BRIDGE LOAN.

Be it enacted, etc., as follows:

West Spring-
field Bridge
Loan, Act of
1906.

SECTION 1. The town of West Springfield, for the purpose of paying its share of the cost of building the bridge over the Connecticut river between the said town and the city of Chicopee, according to the provisions of chapter three hundred and ninety-eight of the acts of the year nineteen hundred and four, is hereby authorized to borrow

money to an amount not exceeding twenty-five thousand dollars, and to issue notes, bonds or scrip therefor. Such notes, bonds or scrip shall be designated on the face thereof, West Springfield Bridge Loan, Act of 1906, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Proviso.

SECTION 2. Said town shall, at the time of authorizing the said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the loan shall be extinguished. Said town shall also raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the bonds, notes or scrip issued under authority of this act. Annual payments on loan.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1906.

AN ACT TO PROVIDE FOR COMPENSATION OF THE COMMISSIONERS ELECTED TO APPORTION SUFFOLK COUNTY INTO DISTRICTS AND FOR MORE CLEARLY DEFINING THE DUTIES OF SAID COMMISSIONERS. Chap. 298

Be it enacted, etc., as follows:

SECTION 1. Section three hundred and twenty-four of chapter eleven of the Revised Laws, as amended by section nine of chapter three hundred and eighty-six of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "them", in the nineteenth line, the words: — for compensation a sum not exceeding five hundred dollars each, said sum to be determined by the governor and council, and a further sum R. L. 11, § 324, etc., amended.

Election of
commissioners
to apportion
districts in
Suffolk county,
etc.

of, — so as to read as follows:— *Section 324.* At the annual state election in the year nineteen hundred and five, and every tenth year thereafter, nine commissioners shall be elected for the county of Suffolk, for the performance of the duties specified in section four hundred and twenty-six. Five of said commissioners shall be residents of and voters in the city of Boston and shall be elected by the voters of that city; two shall be residents of and voters in the city of Chelsea and shall be elected by the voters of that city; one shall be a resident of and a voter in the town of Winthrop and shall be elected by the voters of that town; and one shall be a resident of and a voter in the town of Revere and shall be elected by the voters of that town. Said commissioners shall hold office for one year from the first Wednesday of January next after their election. At their first meeting, they shall organize by choosing a chairman, who shall be one of their number, and a clerk. The city of Boston shall provide them with a suitable office and room for hearings and shall allow and pay to them for compensation a sum not exceeding five hundred dollars each, said sum to be determined by the governor and council, and a further sum of not more than seven hundred dollars for clerk hire, stationery and incidental expenses.

R. L. 11, § 426,
amended.

SECTION 2. Section four hundred and twenty-six of said chapter eleven is hereby amended by striking out the words "within thirty days", in the second and third lines, and inserting in place thereof the words:— on the first Tuesday of August next, — by inserting after the word "Commonwealth", in the fifteenth line, the words:— to the board of election commissioners of the city of Boston, — and by inserting after the word "Boston", in the fifteenth line, the words:— to the city clerk of the city of Boston, to the city clerk of the city of Chelsea, — so as to read as follows:— *Section 426.* The commissioners who are elected under the provisions of section three hundred and twenty-four shall, on the first Tuesday of August next after the secretary of the Commonwealth shall have certified to them the number of representatives to which the county of Suffolk may be entitled, as determined by the general court, assemble in the city of Boston, and, as soon as may be, shall so divide said county into representative districts of contiguous territory as to apportion the representation of said county, as nearly as may be, according

Duties of com-
missioners.

to the number of voters in the several districts. Such districts shall be so formed that no ward of a city and no town shall be divided, and no district shall be so formed that it shall be entitled to elect more than three representatives. The districts shall be numbered by the commissioners, and a description of each district, its number and the number of voters therein shall be transmitted to the secretary of the Commonwealth, to the board of election commissioners of the city of Boston, to the treasurer of the city of Boston, to the city clerk of the city of Boston, to the city clerk of the city of Chelsea, to the clerk of the town of Revere and to the clerk of the town of Winthrop and shall be filed and kept in their respective offices.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1906.

AN ACT TO ESTABLISH A DISTRICT COURT IN THE TOWN OF IPSWICH. *Chap. 299*

Be it enacted, etc., as follows:

SECTION 1. The town of Ipswich shall constitute a judicial district, under the jurisdiction of a court to be called the Third District Court of Essex, which shall be held in the said town. All the provisions of law applicable to district courts shall apply to said court. Third District Court of Essex established.

SECTION 2. There shall be one justice and two special justices of the court. The justice shall receive an annual salary of eight hundred dollars, to be paid by the county of Essex. Justice and special justices.

SECTION 3. Sittings of the said court for criminal business shall be held at Ipswich daily, except on Sundays and on legal holidays. Sittings of the court for civil business shall be held at Ipswich as required by law, and on such other days as may be fixed by rule of court. Sittings of court.

SECTION 4. The first session of the court shall be held on the second day of July in the year nineteen hundred and six; but nothing in this act shall affect any suit or other proceeding begun prior to said second day of July. First session.

SECTION 5. So much of this act as relates to the appointing and qualifying of the justices of the court shall take effect upon its passage, and the remainder of this act shall take effect on the second day of July in the year nineteen hundred and six. When to take effect.

Approved April 21, 1906.

Chap.300 AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF
A JUDGMENT ENTERED IN THE SUPERIOR COURT IN FAVOR
OF OLIN W. CUTTER AGAINST THE COMMONWEALTH.

Be it enacted, etc., as follows:

Payment of
judgment in
favor of Olin
W. Cutter.

SECTION 1. A sum not exceeding thirty-four hundred seventy-five dollars and forty-one cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of a judgment entered in the superior court against the Commonwealth in favor of Olin W. Cutter, being the full amount of his claim, legal costs and interest.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1906.

Chap.301

AN ACT RELATIVE TO DUCKS AND TEAL.

Be it enacted, etc., as follows:

Regulating the
taking of black
ducks, etc.

SECTION 1. It shall be unlawful to kill a black duck, scientifically known as *Anas obscura*, or a teal, between the first day of March and the first day of September following, or any species of wild duck, not otherwise protected by law, between the twentieth day of May and the first day of September, or to buy, sell or have in possession a black duck or teal, between the first day of March and the first day of September, or any of the wild duck species during the time within which the taking or killing thereof is prohibited, whenever or wherever such birds may have been taken or killed: *provided, however*, that any person, firm or corporation holding a permit from the commissioners on fisheries and game may buy, sell or have in possession, any species of duck for purposes of propagation; and *provided, further*, that a person, firm or corporation dealing in game or engaged in the cold storage business may have in possession for storage any species of duck between the first day of March and the first day of September following, if such birds were not taken or killed in this Commonwealth contrary to the provisions of this chapter, or were not taken, killed, or transported contrary to the law of the state or country in which such birds were taken or killed, and *provided*, that such persons, firms or corporations shall have notified in writing the commissioners on fisheries and game on or before

Provisos.

March first of the species, number of each species, and place of storage of such birds, and that such birds are in places and packages convenient for sealing. The commissioners or their deputies shall then place a seal upon all receptacles and packages containing any species of wild duck. The said seal shall not be removed by any person other than the commissioners on fisheries and game, or their deputies, under a penalty of twenty dollars for each bird, and shall be removed by the said commissioners or their deputies upon the first day of September of each year. The packages or contents thereof so sealed shall not be removed from that storage warehouse under a penalty of twenty dollars for each bird.

Receptacles, etc., to be sealed.

Penalty for removal of seal, etc.

SECTION 2. Section four of chapter ninety-two of the Revised Laws is hereby repealed.

Repeal.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for each bird or part thereof, in respect to which the violation occurs.

Penalty for violation of law.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and seven.

When to take effect.

Approved April 23, 1906.

AN ACT TO AUTHORIZE THE REMOVAL TO HOSPITALS OF PRISONERS REQUIRING MEDICAL TREATMENT.

Chap. 302

Be it enacted, etc., as follows:

SECTION 1. Whenever the physician of any prison certifies that a person held therein for trial or sentence, except for a capital crime, requires medical treatment that cannot safely or properly be given in such prison, the prison commissioners may temporarily place such person in a hospital.

Removal of prisoners requiring medical treatment.

SECTION 2. Whenever it appears that a female under sentence in any prison is about to give birth to a child during her term of imprisonment, the physician of the prison where she is held shall send to the prison commissioners a certificate of her condition; and said commissioners shall thereupon order her removal to a hospital. A prisoner so removed shall be kept in such hospital until the physician thereof shall certify to said commissioners that she may safely be removed, whereupon the commissioners shall issue an order for her return to prison.

Certain female prisoners may be removed to hospitals.

Custody of
prisoners.

SECTION 3. Any prisoner placed in a hospital in accordance with this act shall, during his absence from prison, be considered as in the custody of the officer having charge thereof; and the time of confinement in said hospital shall be considered a part of the term of sentence.

Expenses.

SECTION 4. All expenses attending the removal of a prisoner under the terms of this act shall be paid out of the appropriation for the support of the prison from which the prisoner is removed.

SECTION 5. This act shall take effect upon its passage.

Approved April 23, 1906.

Chap.303

AN ACT RELATIVE TO QUAIL.

Be it enacted, etc., as follows:

Regulating the
taking of quail.

SECTION 1. It shall be unlawful to take or kill a quail between the first day of December and the first day of November, or to have in possession for the purpose of sale, or to buy, sell, offer for sale or otherwise dispose of at any time a quail, or any part thereof, killed in this Commonwealth. But a person, firm or corporation dealing in game, or engaged in the cold storage business, may buy, sell, or have in possession, and a person may buy from such person, firm or corporation, and have in possession if so bought, quail from the first day of November to the first day of January following, if such quail or parts thereof were not taken in this Commonwealth, or were not taken, killed, bought, sold or otherwise disposed of or transported contrary to the laws of any state or country. And a person, firm or corporation dealing in game or engaged in the cold storage business may have quail in possession in cold storage for storage purposes, at any season, if such quail were not taken or killed in this Commonwealth, and were not taken, killed, bought, sold or otherwise procured or disposed of, or transported contrary to the laws of the state or country in which the quail were taken, killed or transported: *provided, however*, that such persons, firms or corporations shall have notified in writing the commissioners on fisheries and game on or before January first in each year of the species, number of each species, and place of storage of such birds, and that such birds are in places and packages convenient for sealing. The commissioners or their deputies shall then place a

Proviso.

seal upon all receptacles and packages containing any species of quail. The said seal shall not be removed by any person other than the commissioners on fisheries and game, or their deputies, and shall be removed by the said commissioners or their deputies upon the first day of November of each year. The packages so sealed shall not be removed from that storage warehouse under a penalty of twenty dollars for each bird; *provided, however*, that any person, firm or corporation holding a permit from the commissioners on fisheries and game may buy, sell, or have in possession live quail for purposes of propagation within the Commonwealth, and for no other purpose.

Sealing of receptacles, etc.

Proviso.

SECTION 2. Section three of chapter ninety-two of the Revised Laws, as amended by chapter four hundred and six of the acts of the year nineteen hundred and five, is hereby repealed.

Repeal.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for each bird or part thereof, in respect to which the violation occurs. The possession, except as provided above, of quail during the season when taking, killing, or sale is prohibited by law shall be prima facie evidence that the person having possession has violated some provision of this act.

Penalty.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and seven.

When to take effect.

Approved April 23, 1906.

AN ACT TO PROHIBIT THE SALE OF PRAIRIE CHICKENS. *Chap. 304*
Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful to buy, sell, or otherwise dispose of, or to have in possession, a prairie chicken, scientifically known as *Tympanuchus Americanus*, and as *Pedioecetes phasianellus*, or any part thereof, whenever or wherever taken.

Sale of prairie chickens prohibited.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for each bird or part thereof, in respect to which the violation occurs, and possession shall be prima facie evidence that the person having possession has violated the provisions of this act.

Penalty.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and seven.

When to take effect.

Approved April 23, 1906.

Chap.305 AN ACT TO FIX THE PENALTY FOR THE SALE OF ADULTERATED
FOODS AND DRUGS.

Be it enacted, etc., as follows:

R. L. 75, § 24,
etc., amended.

Penalty for
falsely stamp-
ing cans, etc.

SECTION 1. Section twenty-four of chapter seventy-five of the Revised Laws, as amended by chapter two hundred and thirty-six of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "one", in the eighth line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 24.* Whoever falsely stamps or labels any cans, jars or other packages containing fruit or food of any kind, or knowingly permits such stamping or labelling, or, except as hereinafter provided, violates any of the provisions of sections sixteen to twenty-seven, inclusive, shall be punished by a fine of not less than twenty-five nor more than five hundred dollars; and whoever sells such goods so falsely stamped or labelled shall be punished by a fine of not less than ten nor more than one hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1906.

Chap.306 AN ACT TO PROVIDE FOR PUBLICITY AS TO THE EMPLOYMENT
OF CITY EMPLOYEES SUBJECT TO THE CIVIL SERVICE LAWS
AND REGULATIONS.

Be it enacted, etc., as follows:

Officers or
board employ-
ing persons in
positions
where civil
service rules
apply to make
report, etc.

Report to be
open to
inspection, etc.

SECTION 1. The officer or board having power in any city to appoint or employ persons in any department of such city to which the provisions of the civil service laws and of the civil service rules established thereunder are applicable shall, within seven days after the receipt of a written request therefor made by the board of civil service commissioners, make, and file with the auditor or officer or officers whose duty it is to audit the accounts of such appointing or employing officer or board, a report containing the names of all persons who have been appointed or employed by such appointing or employing officer or board or who have received pay or rendered bills for services or labor rendered or performed during the calendar month next preceding the date of the filing of such petition. Said report shall be made under oath, shall be open to public inspection in the office of the auditor or auditing officer and

shall contain the following information: — First, name of person appointed or employed, or rendering bill for services or labor; second, nature and brief description of the services or labor which such person has actually rendered or performed during said month; third, title of the office or employment of such person as stated in the payrolls of the department; fourth, the regular salary or wages of the appointee or employee; fifth, all other payments of any kind made to the appointee or employee during said month: *provided, however*, that such appointing or employing officer or board shall not be required to file more than one such report in any calendar month. Proviso.

SECTION 2. The supreme judicial court by mandamus or other appropriate remedy in law or in equity, upon suit or petition of the board of civil service commissioners, may compel any such appointing or employing officer or board in any city, upon failure to make and file such report, to comply with the provisions of this act. Authority of court, etc.

SECTION 3. Every appointing or employing officer, or in the case of a board every member thereof, who wilfully refuses or who neglects to comply with the provisions of this act shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence. Penalty.

Approved April 23, 1906.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. Chap. 307

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to wit: — Appropriations.

For the expenses of the board of commissioners for the promotion of uniformity of legislation in the United States, as authorized by chapter four hundred and fifteen of the acts of the year nineteen hundred and four, a sum not exceeding eight hundred and ninety dollars, being a reappropriation, the same having reverted to the treasury in accordance with section thirty-one of chapter six of the Revised Laws. Commissioners for promotion of uniformity of legislation.

For dredging the easterly shore of the Dorchester district of the city of Boston, as authorized by chapter four Dredging the easterly shore of Dorchester district.

hundred and fifty-three of the acts of the year nineteen hundred and five, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Executive messenger.

For the salary of the executive messenger of the governor and council, as authorized by chapter one hundred and nine of the acts of the present year, the sum of one hundred eighty-three dollars and thirty-three cents, the same to be in addition to the nine hundred sixteen dollars and sixty-six cents appropriated by chapter three of the acts of the present year.

Clerical assistance to house of representatives.

For clerical assistance in the office of the clerk of the house of representatives, as authorized by chapter one hundred and twenty-six of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to the two thousand dollars appropriated by chapter one of the acts of the present year.

Committee on railroad and street railway laws.

For printing the report of the joint special committee on railroad and street railway laws, as authorized by chapter seven of the resolves of the present year, a sum not exceeding seven hundred and fifty dollars.

Gypsy and brown tail moths, report.

For printing the report of the superintendent for suppressing the gypsy and brown tail moths, as authorized by chapter ten of the resolves of the present year, a sum not exceeding five hundred dollars.

Committee to recodify insurance laws, compensation.

For compensation and expenses of the commission appointed to recodify the insurance laws of the Commonwealth, as authorized by chapter eleven of the resolves of the present year, a sum not exceeding seven thousand dollars.

Certain religious societies in Sudbury.

For the first parish in Sudbury, the sum of one hundred and fifty dollars; the Methodist Episcopal Church in Sudbury, the sum of one hundred and fifty dollars; and the Memorial Congregational Church in South Sudbury, the sum of one hundred and fifty dollars, said sums being provided for in chapter thirteen of the resolves of the present year; the said churches being designated in said resolve as the Unitarian Society and the Methodist Society both in the centre of Sudbury, and the Orthodox Society of South Sudbury.

Records of revolutionary soldiers and sailors.

For compiling, indexing and publishing the records of Massachusetts soldiers and sailors who served in the revolutionary war, as authorized by chapter fifteen of the resolves of the present year, a sum not exceeding three

thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For the maintenance and repair of certain apparatus used in the boiler inspection department of the district police, as authorized by chapter seventeen of the resolves of the present year, a sum not exceeding two hundred and fifty dollars.

Apparatus in boiler inspection department.

For the publication of the opinions of the attorney-general, as authorized by chapter eighteen of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Opinions of the attorney-general.

For the publication of the rules of the superior court, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding two thousand dollars.

Rules of the superior court.

For Thomas J. Regan, as authorized by chapter twenty of the resolves of the present year, the sum of ninety dollars.

Thomas J. Regan.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter twenty-one of the resolves of the present year, the sum of thirty thousand dollars.

Massachusetts Charitable Eye and Ear Infirmary.

For Augustus P. Calder, junior, as authorized by chapter twenty-two of the resolves of the present year, the sum of one hundred dollars.

Augustus P. Calder, junior.

For the support of the state normal school at Hyannis, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Normal school at Hyannis.

For new furniture and fixtures for the state house, a sum not exceeding two thousand dollars, the same to be in addition to the thirty-six hundred sixty-six dollars and sixty-six cents appropriated by chapter eighty-two of the acts of the present year.

Furniture and fixtures at the state house.

For the Massachusetts State Firemen's Association, as authorized by chapter one hundred and seventy-one of the acts of the present year, the sum of three thousand dollars, the same to be in addition to the twelve thousand dollars appropriated by chapter nine of the acts of the present year.

Massachusetts state Firemen's Association.

For Henry T. Mangan, as authorized by chapter twenty-three of the resolves of the present year, the sum of one hundred dollars.

Henry T. Mangan.

To provide for the expenses of a rifle team to participate in competitions for national and other trophies, as authorized by chapter twenty-eight of the resolves of the present year, a sum not exceeding three thousand dollars.

Rifle team of the militia.

Albert E.
Keen.

For Albert E. Keen, as authorized by chapter twenty-nine of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Portrait of
Abraham
Lincoln.

For placing in the state house a portrait of Abraham Lincoln, as authorized by chapter thirty of the resolves of the present year, a sum not exceeding twenty-one hundred dollars.

Survey of
West Fal-
mouth harbor.

To provide for a survey by the board of harbor and land commissioners of the harbor of West Falmouth in the town of Falmouth, as authorized by chapter thirty-one of the resolves of the present year, a sum not exceeding five hundred dollars.

Edward G.
Chamberlain.

For compensating Edward G. Chamberlain for surveys in connection with the topographical survey and map of Massachusetts, as authorized by chapter thirty-four of the resolves of the present year, the sum of eight hundred and forty-nine dollars.

Free public
libraries, etc.

For aid to free public libraries in small towns, as authorized by chapter one hundred and eighty-three of the acts of the present year, a sum not exceeding two thousand dollars.

Officers and
employees of
state board of
insanity.

For the salaries of officers and employees of the state board of insanity, a sum not exceeding two thousand dollars, this amount being necessary to carry out the provisions of chapter one hundred and eighty-four of the acts of the present year, relative to the annual report of the state board of insanity, the same to be in addition to any amount heretofore appropriated for the same purpose.

Convention of
bureaus of
statistics of
labor.

For expenses in connection with the association of officials of bureaus of labor statistics of America, who will hold their twenty-second annual convention in the city of Boston in the year nineteen hundred and six, a sum not exceeding five hundred dollars, the chief of the bureau of statistics being authorized by chapter one hundred of the resolves of the year nineteen hundred and five to invite said officials to meet in Boston.

Aid for high
schools in
small towns.

For state aid for high schools in small towns, as authorized by chapter two hundred of the acts of the present year, a sum not exceeding seventy-two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1906.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ACQUIRE
THE BARNES MILL POND AND ADJACENT LAND AND BUILD-
INGS. Chap. 308

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth may take by purchase or otherwise and hold the mill privilege commonly known as Barnes mill on Water street in said town, together with the land and buildings connected therewith and any and all lands now or formerly flowed by said privilege, and any rights of flowage belonging thereto.

Town of
Plymouth may
take a certain
mill privilege,
etc.

SECTION 2. The town shall, within sixty days after taking hereunder any land, pond, mill privilege, stream, or right or privilege therein, file in the office of the registry of deeds for the county of Plymouth a description of the land or property so taken, as certain as is required in a common conveyance of lands, with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the selectmen of the town; and the title to all lands, ponds, mill privileges, streams, or rights or privileges therein so taken shall vest in the town of Plymouth in fee simple.

Description of
lands taken to
be filed.

SECTION 3. If any person whose land or other property is taken or damaged by any act done by said town in pursuance hereof shall agree with said town upon the damage done to him by such taking or act the amount so agreed upon shall be paid to him by said town forthwith. If the parties do not so agree, then the claim shall be determined and recovered in the manner now provided by law in the case of land taken for the laying out of highways, except as otherwise provided herein. In determining the damages sustained by any such person the benefit, if any, to the property of such person by reason of any act of said town done in pursuance of the provisions of this act prior to the hearing on the merits of the petition, shall be set off against such damage.

Damages.

SECTION 4. After acquiring said property said town may improve the same in such manner as it may think proper in order to abate the nuisance caused by said privilege and the lands flowed by said privilege.

Taking may be
improved.

SECTION 5. Said town may exercise any power granted by this act in regard to acquiring said property and improving the same by its selectmen, but no act shall be done

Powers of
town.

by the selectmen involving the expenditure of money until an appropriation has been made therefor by the town.

When to take effect. SECTION 6. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a town meeting duly called for the purpose within three years after its passage.

Approved April 23, 1906.

Chap.309 AN ACT RELATIVE TO INMATES OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED AND THE DEPARTMENTS THEREOF.

Be it enacted, etc., as follows:

Commitment, etc., of feeble-minded persons.

SECTION 1. Any feeble-minded person now or hereafter an inmate of the Massachusetts School for the Feeble-Minded, or of any department thereof, whether by commitment or otherwise, who shall have reached the limit of school age, or who, in the judgment of the trustees, is incapable of being further benefited by school instruction, or any such person who may have been or may be transferred from one department of said school to another under the provisions of section one hundred and sixteen of chapter eighty-seven of the Revised Laws, if, in the judgment of the trustees and of the state board of insanity, the question of his or her commitment to or continuance in said school or any department thereof is a proper subject for judicial inquiry, may be brought before the judge of probate for the county of Middlesex, who shall thereupon determine whether or not such person is feeble-minded and shall duly commit such person to either department of said school, in the manner now provided by law, or shall direct his or her discharge, or shall make such other disposition of the case under the laws relating to insane persons as he may deem proper.

Certain powers of trustees not impaired.

SECTION 2. This act shall not be construed to impair the power given to said trustees by section one hundred and sixteen of chapter eighty-seven of the Revised Laws to discharge any inmate of said school or of any department thereof.

Approved April 23, 1906.

Chap.310 AN ACT RELATIVE TO CONVEYANCES OF LAND TO THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Be it enacted, etc., as follows:

City of Chelsea may convey certain land to

SECTION 1. The city of Chelsea, by the mayor thereof, may, by proper deed or deeds, convey to the Trustees of

the Soldiers' Home in Massachusetts, a corporation organized under the laws of this Commonwealth, all the right, title and interest of said city in such lands in Chelsea lying within one thousand feet of any part of the main building of said corporation as the board of aldermen of said city shall approve of being so conveyed, including lands used for street, park, or other public purposes. Land so conveyed shall cease to be used for a public purpose other than such as said corporation shall determine.

the Trustees
of the Soldiers'
Home.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1906.

AN ACT RELATIVE TO THE LOCATION OF POLLING PLACES IN THE CITY OF BOSTON. *Chap.311*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and eighty-six of chapter eleven of the Revised Laws is hereby amended by inserting after the word "precincts", in the second line, the words:— and in Boston the election commissioners,— by inserting after the word "therefor", in the sixth line, the following sentence:— In a city or town which has provided voting booths such booths may be placed in the highways of such city or town, provided said highways are left reasonably safe and convenient for public travel,— and by inserting after the word "aldermen", in the twelfth line, the words:— and in Boston the election commissioners,— so as to read as follows:— *Section 186.* The aldermen in cities and the selectmen of every town divided into voting precincts, and in Boston the election commissioners, shall, thirty days at least before the annual state or city election and ten days at least before any special election of a state or city officer therein, designate the polling place for each voting precinct and shall cause it to be suitably fitted up and prepared therefor. In a city or town which has provided voting booths such booths may be placed in the highways of such city or town, provided said highways are left reasonably safe and convenient for public travel. It shall be in a public, orderly and convenient portion of the precinct; but if no such polling place can be had within the precinct, they may designate a polling place in an adjoining precinct. No building or portion of a building shall be designated or used as a polling place in which intoxicating liquor has been sold within

R. L. 11, § 186,
amended.

Polling places
in Boston,
designation,
preparation,
etc.

the thirty days preceding the day of the election. When the polling places have been designated, the aldermen, and in Boston the election commissioners, shall, in at least ten public places in each precinct of the city, and selectmen, in at least three public places in each precinct of the town, forthwith post a printed description of the polling places designated, and may give further notice thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1906.

Chap.312 AN ACT TO AUTHORIZE THE WORCESTER ART MUSEUM TO HOLD
ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Worcester Art
Museum may
hold additional
real estate.

SECTION 1. The Worcester Art Museum is hereby authorized to hold real and personal estate to an amount not exceeding five million dollars, which property, and the income derived from it, shall be devoted to the purposes set forth in its charter or agreement of association.

Approved April 23, 1906.

Chap.313 AN ACT TO CHANGE THE NAME OF THE NORTHAMPTON IN-
SANE HOSPITAL TO NORTHAMPTON STATE HOSPITAL.

Be it enacted, etc., as follows:

Change of
name of the
Northampton
insane hos-
pital

SECTION 1. The name of the Northampton insane hospital is hereby changed to Northampton State Hospital.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1906.

Chap.314 AN ACT RELATIVE TO THE TAKING AND SALE OF TROUT, LAND
LOCKED SALMON AND LAKE TROUT.

Be it enacted, etc., as follows:

R. L. 91, § 62,
amended.

SECTION 1. Section sixty-two of chapter ninety-one of the Revised Laws is hereby amended by striking out the word "September", in the second line, and inserting in place thereof the word: — August, — by striking out the words "first day of April, or, in the counties of Berkshire, Franklin, Hampden and Hampshire between the first day of August and the first day of April", in the second, third and fourth lines, and inserting in place thereof the words: — fifteenth day of April, — so as to read as follows: —
Section 62. Whoever takes a trout, land locked salmon or

lake trout between the first day of August and the fifteenth day of April shall forfeit not less than ten nor more than twenty-five dollars for each offence. Whoever buys such fish taken between said dates in this Commonwealth or takes such fish with a net or salmon pot at any season of the year shall forfeit not less than five nor more than twenty dollars for each fish so taken.

Penalty for taking trout, etc.

SECTION 2. Section sixty-three of said chapter ninety-one, as amended by chapter one hundred and thirty-seven of the acts of the year nineteen hundred and two, is hereby further amended by striking out the word "September", in the fifth line, and inserting in place thereof the word: — August, — by striking out the words "first day of April", in the same line, and inserting in place thereof the words: — fifteenth day of April, — and by striking out the words "or in the counties of Berkshire, Franklin, Hampden and Hampshire, between the fifteenth day of July and the fifteenth day of April", in the fifth, sixth, seventh and eighth lines, so as to read as follows: — *Section 63.* Whoever, except as provided in section sixty-six, sells or offers or exposes for sale, or has in his possession, a trout, land locked salmon or lake trout, except alive, between the first day of August and the fifteenth day of April, shall forfeit not less than ten nor more than twenty-five dollars for each offence; and the possession of any such fish between said dates shall be prima facie evidence to convict.

B. L. 91, § 63, etc., amended.

Close season for trout, etc.

SECTION 3. Nothing herein contained shall be construed as affecting or repealing the provisions of chapter two hundred and five of the acts of the year nineteen hundred and three.

Certain provisions of law to remain in force.

SECTION 4. This act shall take effect on the thirty-first day of March in the year nineteen hundred and seven.

When to take effect.

Approved April 24, 1906.

AN ACT RELATIVE TO THE EXEMPTION FROM TAXATION OF VETERANS OF THE CIVIL WAR AND THEIR WIDOWS. *Chap. 315*

Be it enacted, etc., as follows:

SECTION 1. Soldiers and sailors who served in the military or naval service of the United States in the war of the rebellion, and who were honorably discharged therefrom, shall, at their request, be exempt from the assessment of a poll tax, and the property of soldiers and sailors who served

Exemption from taxation of certain veterans of the civil war, etc.

as aforesaid and were honorably discharged as aforesaid, but who would not be entitled to exemption under the thirteenth clause of section five of chapter twelve of the Revised Laws, and the property of the wives or widows of such soldiers or sailors, shall be exempted from taxation to the amount of one thousand dollars in the case of each person: *provided*, that the whole estate, real and personal, of the person so exempted does not exceed in value the sum of five thousand dollars; and *provided, further*, that only one thousand dollars shall be exempted to any one family, and that the combined property of the family does not exceed five thousand dollars.

Provisos.

Exemption of widows.

SECTION 2. The widows of soldiers and sailors who served as aforesaid and who lost their lives in the war of the rebellion shall be entitled to such exemption from taxation as is specified in the thirteenth clause of section five of chapter twelve of the Revised Laws.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1906.

Chap.316 AN ACT TO AUTHORIZE THE RECEPTION OF VOLUNTARY PATIENTS AT THE FOXBOROUGH STATE HOSPITAL.

Be it enacted, etc., as follows:

Dipsomaniac, etc., may be received at the Foxborough state hospital on application.

SECTION 1. Any male person who is a dipsomaniac or inebriate and who is desirous of submitting himself to treatment in the Foxborough state hospital and makes written application therefor, may be received by the trustees of said hospital and detained therein as a boarder and patient. Such person, however, after giving notice in writing of his intention or desire to leave the institution shall not be detained for more than three days.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1906.

Chap.317 AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

City of Springfield may take certain waters for increasing its water supply.

SECTION 1. The city of Springfield, acting by its board of water commissioners, when said board shall thereto be authorized by the city council, for the purpose of increasing its water supply, may take, hold, store and convey to,

into and through its system of water works the waters, or such part thereof as may from time to time be necessary for said purpose, of the Westfield Little river and its tributaries, the place of diversion of the waters to be on said Westfield Little river not less than four hundred feet above mean sea level; and may use the waters so taken, in connection with and through the medium of its present system of water works or otherwise, for any and all purposes for which said city is or may be authorized to use water; and may take and hold, by purchase or otherwise, any lands, rights of way, easements or other rights of property which said board may deem necessary for any of the purposes of this act, and for conveying the same to any part of said city and to any place which is or, under authority of law, may be supplied with water by said city, or for carrying out any of the powers and duties conferred by this act.

SECTION 2. The city shall construct and maintain a suitable filter or filters, and may construct and maintain on lands so taken or purchased dams, reservoirs, buildings and other works or structures which said board may deem necessary for the taking, storing, filtering, conveying, controlling, measuring and distributing said waters, or for any other purpose of this act, and may construct, lay down and carry such canals, tunnels, pipes, telephone wires or other works under, through or over any lands, rivers or other water courses, railroads, street railways and public or private ways, and over or upon any public bridges now existing or hereafter built, as may be necessary or convenient for such purposes, and may contract with the public authorities owning or controlling any public bridge or bridges hereafter built for adaptation thereof to the use herein provided, on such terms as may be agreed upon; and for the purposes of this act may open or dig up any public or private ways in said city, or in any town in which any portion of said work is located, under the direction of the selectmen thereof, or, in the case of state highways, under the direction of the highway commission, in such manner as to cause no unreasonable hindrance to public travel, and shall hold such town harmless from all liability to damages from any cause resulting from such acts of said city.

To construct and maintain filters, etc.

SECTION 3. If said city shall so construct any reservoir under authority of this act as to flow an existing public way, it shall raise the same to such grade as will leave it reasonably safe and convenient for travel, or shall build in

Raising of grade of public ways in certain cases.

place of any part of such way so flowed such other reasonable and suitable way, which shall thereafter be a public way, with all necessary fences and culverts, as and in such manner as shall be mutually agreed upon between its board of water commissioners and the selectmen of the town, or if they cannot agree thereon, then as and in such manner as shall be determined by the county commissioners of the county of Hampden, upon application of either party to them, and said county commissioners are hereby authorized and directed to adjudicate upon the same.

May enter upon lands of others, etc.

SECTION 4. Said board of water commissioners may enter upon and use the lands of others, and shall use such lands in a reasonable manner, with regard to the interests of the owners thereof, and, so far as practicable, shall heed all reasonable requests made by such owners; and in general may do any other act or thing necessary or proper for carrying out the powers and duties conferred upon it by this act.

Plans to be approved by the state board of health.

SECTION 5. Before beginning the construction of any works for storing, filtering or conveying water from Westfield Little river to the city of Springfield, or making changes in works which may have previously been constructed, the said city shall from time to time submit its proposed plans to the state board of health for its approval, and the said city shall construct the works in general accordance with the plans so approved.

Description of lands, etc., taken to be recorded.

SECTION 6. Within ninety days after taking any waters or water rights, lands, rights of way, easements or property for any of the purposes of this act said city shall file and cause to be recorded in the registry of deeds for the county in which the same are situated a description thereof, signed by the board of water commissioners, which in the case of land taken shall be as certain as is required in a common conveyance of land, stating that the same are taken for the purposes of this act, and shall file with such statement a map or plan, drawn to scale, of the lands taken and described in such statement; and after such taking of any property the board shall notify the owner or owners thereof, if known to them, and on written request of any such owner or owners to the board, within one year after such taking, shall within thirty days after the receipt of such request furnish said owner or owners with a reasonably accurate plan or description in writing of the land or other property so taken.

SECTION 7. The said city shall pay all legal damages ^{Damages.} suffered by any person in his property by the taking of any property as herein provided, or by any other act occasioning legal damage done by it under the authority hereof; but no damages shall be recoverable for the taking of any water until such water is actually diverted. All such damages shall be ascertained and recovered in the manner provided by law when land is taken for the laying out of highways, and all proceedings for the recovery of such damages shall be brought within two years after the right of action accrues. In case a claimant for damages shall so elect application may be made by him to the superior court for the county in which the property is located, for the appointment of a commission to determine the amount of damages suffered by such claimant, and thereupon, such notice to said city having been given as said court may order, the court shall appoint a commission consisting of three competent and disinterested persons, who shall determine the amount of such damages and report the same to the court; which report when finally approved by the court shall be binding on all the parties. The compensation of said commissioners shall be fixed by the court and paid in the same manner as are the fees of auditors appointed by the court. Whether or not costs shall be allowed to the prevailing party, and in what amount, shall be in the discretion of said court.

SECTION 8. Said city may, for the purpose of paying ^{City of Springfield, Westfield Little River Water Loan.} the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time coupon or registered bonds or notes to an amount not exceeding in the aggregate two million dollars. Such bonds or notes shall bear on their face the words, City of Springfield, Westfield Little River Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the mayor of said city. Said city may, by its mayor and treasurer, sell such securities for the purposes of this act, upon such terms and conditions as they may deem proper: ^{Proviso.} provided, that such securities shall not be sold for less than the par value thereof.

SECTION 9. Said city shall at the time of authorizing ^{Annual payments on loan.} said loan provide for the payment thereof in such annual

proportionate payments, beginning not less than three years after the first issue of said bonds or notes, as will extinguish the same within the time prescribed by this act, and when a vote to that effect has been passed by the city council a sum which with the surplus of income derived from the water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on bonds or notes issued by said city under the provisions of this act, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of said city in each year thereafter, in the same manner in which other taxes are assessed, under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the loan herein authorized is extinguished. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under the authority of this act or of previous acts relating to the water supply of the city. If there should be a net surplus remaining after providing for the aforesaid charges it may be used for such new construction as the water commissioners, with the approval of the city council, may determine, and, in case a surplus should remain after payment for such new construction, the water rates shall be reduced proportionately.

Income to be applied to defray operating expenses, etc.

Surplus.

To furnish the town of Westfield additional water.

SECTION 10. Whenever, in the opinion of the state board of health, the town of Westfield shall have developed the watershed or sources of Tilliston brook, so far as may reasonably be done, the city of Springfield shall furnish the town of Westfield such additional quantity of water as may be required by said town, for the purposes for which the town is authorized to furnish water to its inhabitants, water so furnished to be taken from the pipes of the city of Springfield at a place thereon in said town of Westfield where they may readily be connected with the pipes of said town, the town paying therefor at the same rate per million gallons furnished as its water then costs the said town at the point of taking, exclusive of the cost of pipes for the distribution of water in the streets of the town, and the cost of its so-called Montgomery system; but the said town shall not be entitled to a greater proportion of the water from the Westfield Little river watershed, as developed by the city of Springfield, than the ratio which its popula-

tion bears to the combined populations of the city of Springfield and the town of Westfield.

SECTION 11. In the event of a dispute arising as to the cost of water furnished as aforesaid the superior court for the county of Hampden shall upon petition appoint one or more commissioners to hear the parties and to report to the court the facts, or the facts with the evidence, which report when finally approved by the court shall be binding upon the parties. The compensation of said commissioner or commissioners shall be fixed by the court and paid in the same manner as are the fees of auditors appointed by the court. Whether or not costs shall be allowed to the prevailing party and in what amount shall be within the discretion of said court.

Commissioners to hear parties in dispute and report to the court.

SECTION 12. The city of Springfield may supply water to the town of West Springfield and to the town of Agawam, upon such terms as may be agreed upon between said city and said towns, respectively.

May supply water to the towns of West Springfield and Agawam.

SECTION 13. After the actual taking of any real estate in the towns of Blandford or Granville by the city of Springfield under authority of this act the same may be valued by the assessors of said towns, respectively, for the purposes of taxation, on the basis of the average of the assessed values of such real estate for the three years last preceding the acquisition thereof; and said city shall pay to said towns taxes at the valuations so determined.

Taxation.

SECTION 14. In the event that public convenience and necessity shall require said towns of Blandford and Granville, or either of them, to build and maintain more highway or highways, bridge or bridges, by reason of the actual taking of any real estate therein by the said city, under authority of this act, and if the same shall be so built and maintained, then the said city shall reimburse said towns of Blandford and Granville, respectively, for any reasonable expenditure incurred by them respectively for such building and maintenance.

Certain towns to be reimbursed.

SECTION 15. In the event that said towns, or either of them, and said city are unable to agree at any time upon the necessity for such building and maintenance of more highway or highways, bridge or bridges, or upon what sum or sums of money should constitute reasonable expenditure for the maintenance thereof, or if said city shall at any time be dissatisfied with the valuation for the purposes of taxation of any real estate as aforesaid actually taken

Superior court to determine certain questions.

by it in said town or towns, or with the taxes assessed thereon, a petition may be made to said superior court, whereupon the same proceedings shall be had as are provided for by section eleven of this act.

To reimburse
the town of
Westfield for
certain ex-
penses.

SECTION 16. If the city of Springfield shall actually take, under and by virtue of this act, the water supply comprehended thereby, and if the state board of health shall hereafter determine, upon hearing the parties, that the town of Westfield by reason of such taking will be compelled sooner than it otherwise would, to erect or create another and a different sewage disposal or treatment plant, and if as a result of such determination said town shall so erect or create another and different sewage disposal or treatment plant, then said city shall pay to said town, annually, interest on the cost that said board of health shall decide was reasonably necessary therefor, including therein the interest on the cost of such lands as said board shall deem to be reasonably necessary therefor, and also such cost of the maintenance and depreciation thereof as said board shall determine was reasonable, and for such a period of time as said board shall determine that said erection or creation was sooner rendered necessary by such taking by said city. The rate of interest so to be paid for such period shall be the same as said town shall pay from year to year during said period upon money borrowed by it. In case either the town of Westfield or the city of Springfield shall be dissatisfied with the decision of the state board of health upon any of the matters contained in this section, the party so dissatisfied may petition to said superior court, whereupon the same proceedings shall be had as provided in section eleven of this act.

Repeal.

SECTION 17. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take
effect.

SECTION 18. This act shall take effect upon its acceptance by the city council of said city voting thereon within one year from the date of passage. Unless said city within two years after the acceptance of this act in the manner herein provided shall have begun work hereunder, all the rights herein granted to said city shall cease and this act shall become void.

Approved April 25, 1906.

AN ACT RELATIVE TO THE TENURE OF OFFICE OF CERTAIN OFFICERS OF THE SCHOOL COMMITTEE OF THE CITY OF BOSTON. *Chap. 318*

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston shall choose a secretary, not of their own number, who shall also serve as secretary to the board of superintendents, an auditor and a business agent, who shall hold their respective offices until removed by the committee for cause. The committee may also elect and remove such other subordinate officers not specifically provided for by law as they may deem expedient. The business agent may be elected without civil service examination, or enrollment.

Tenure of office of certain officials of the school committee of the city of Boston.

SECTION 2. A majority of all the members of the school committee shall be necessary to constitute a quorum for the transaction of business.

Quorum.

SECTION 3. Section four of chapter two hundred and forty-one of the acts of the year eighteen hundred and seventy-five is hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 26, 1906.

AN ACT TO PROVIDE FOR AN EXTENSION OF THE METROPOLITAN SEWER IN THE CITY OF MALDEN. *Chap. 319*

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board shall extend the metropolitan sewer in Linden avenue, in the city of Malden, from a point near Waverly street, through Linden avenue, Pleasant street and private lands, Jackson street and private lands, to a point in the north metropolitan system about five hundred feet south of Charles street, and shall connect the same by overflow and proper appurtenances with the tidal flow of the Malden river.

The metropolitan sewer may be extended into the city of Malden.

SECTION 2. For the purpose of constructing and maintaining this addition to the extension of the metropolitan sewers, the metropolitan water and sewerage board shall have and exercise all the authority conferred upon the metropolitan sewerage commissioners and their successors by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto, regarding the

Authority of the metropolitan water and sewerage board.

original system or anything relating thereto, and the provisions of said chapter and of such other acts are hereby made applicable to this additional construction unless herein otherwise provided.

Treasurer
and receiver
general to
issue bonds,
etc.

SECTION 3. To meet the expenses incurred under the provisions of this act for the construction of the sewerage work recommended, the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time bonds, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding fifty-five thousand dollars. The provisions of section twelve of said chapter four hundred and thirty-nine and of acts in amendment thereof and in addition thereto relative to the indebtedness authorized by and incurred under that chapter, shall, so far as they may be applicable, apply to the indebtedness authorized by this act, in the same manner as if the said provisions had been inserted herein, except that any premiums which may be realized from the sale of said bonds shall be applied in the same manner in which the proceeds of the sale of such bonds, exclusive of the amounts received from premiums, are now applied.

Interest and
sinking fund
requirements.

SECTION 4. The interest and sinking fund requirements on account of the moneys expended in constructing the extension of the metropolitan sewer in Malden provided for in this act, and the cost of maintenance thereof, shall be deemed a part of the interest, sinking fund requirements and costs provided for by section fifteen of said chapter four hundred and thirty-nine, and shall be apportioned, assessed and collected in the manner provided by that chapter and by acts in amendment thereof or in addition thereto.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap. 320 AN ACT RELATIVE TO THE APPROACHES TO THE NEW BRIDGE OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

Approaches
to the new
bridge over
the Merrimac
river, etc.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed, in constructing a new bridge with suitable approaches over the Merrimac river in the city of Haverhill under the provisions of chapter four hundred and sixty-six of the acts of the year nine-

teen hundred and three and acts in amendment thereof and in addition thereto, to construct as part of such suitable approaches a way of approach which shall pass under the tracks of the Boston and Maine railroad, and which shall, in passing under said tracks, be of such width, grade and construction and at such point as shall be selected and determined by said commissioners and said railroad; the centre of said way to be however about one hundred and twenty-five feet northerly of the centre of a private way ordered to be altered and built to pass under said railroad between Elm street and the tracks of the Georgetown branch of said railroad, as set forth in the report of the commissioners appointed by the superior court for the county of Essex in the matter of the abolition of grade crossings within the limits of said city of Haverhill and confirmed by said court. Such way of approach so to be constructed shall take the place of and be constructed instead of said private way; and said private way ordered to be built as aforesaid shall not be constructed and shall be discontinued and abolished: *provided, however*, that a Proviso. way forty feet wide shall first be laid down on the westerly side of the tracks of said Boston and Maine railroad, over land of said railroad, from the way provided for in a deed from Warren Ordway to said railroad, dated May 17, 1873, and recorded in the Essex south district registry of deeds, book 945, leaf 113, to such way of approach, for the use of parties having the right to use the way heretofore extending from the way provided for in said deed to Elm street.

SECTION 2. So much of the cost and expense of constructing said public way of approach under said tracks as shall not exceed the cost and expense of building said private way under said tracks ordered as aforesaid shall be apportioned and paid as was provided in said report of said commissioners on the abolition of said grade crossings and in the decree of confirmation thereof by said court. All other cost and expense thereof shall be paid, assessed and apportioned as the other costs and expenses provided for in said chapter four hundred and sixty-six. Cost of construction to be apportioned, etc.

SECTION 3. The abutments and bridge over said way of approach where it passes under said railroad shall be maintained and kept in repair by said railroad; and the maintenance, repair and operation of said way of approach Abutments and bridge to be kept in repair by the Boston and Maine Railroad.

shall be borne and paid as part of the cost of maintenance and operation of said bridge and approaches, as provided for in said chapter four hundred and sixty-six.

Certain provisions of law to continue in force.

SECTION 4. The provisions of said chapter four hundred and sixty-six, so far as they are consistent herewith, shall extend to this act and are made a part hereof.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap. 321

AN ACT RELATIVE TO THE BARNSTABLE WATER COMPANY.

Be it enacted, etc., as follows:

1906, 172, § 2,
amended.

SECTION 1. Section two of chapter one hundred and seventy-two of the acts of the year nineteen hundred and three is hereby amended by striking out the words "the water of Wequaquet Lake, so-called, or any of its tributaries, or", in the third and fourth lines, and by adding at the end of said section the words:— and *provided, further*, that no ground waters shall be taken at any point within one thousand feet of the shore of Wequaquet Lake, so-called,— so as to read as follows:— *Section 2.* Said corporation, for the purposes aforesaid, may lease, take or acquire by purchase or otherwise, as provided in the following section, any ground waters in the town of Barnstable, together with such adjacent lands as may be necessary for the preservation of the purity of the water and for the location of a standpipe; also the rights of way and easements necessary for holding and preserving said water and for conveying the same across private lands if necessary for the purposes aforesaid: *provided*, that no source of water supply shall be taken for domestic purposes under this act without the advice and approval of the state board of health; and *provided, further*, that no ground waters shall be taken at any point within one thousand feet of the shore of Wequaquet Lake, so-called.

May take certain waters,
etc.

Provisos.

1906, 172, § 9,
amended.

SECTION 2. Section nine of said chapter is hereby amended by striking out the word "three", in the second line, and inserting in place thereof the word:— four,— so as to read as follows:— *Section 9.* The said water supply system shall be completed within four years after the passage of this act.

Completion of
system.

1906, 172, § 11,
amended.

SECTION 3. Section eleven of said chapter is hereby amended by striking out all after the word "town", in the fifth line, and inserting in place thereof the words:—

notice of said meeting to be given by at least two publications in all newspapers published in the town in which the meeting is to be held at least fifteen days before the date of said meeting, or by posting in at least ten conspicuous places in said town. The said meeting shall be held within thirty days after the passage of this act and if, when voted upon, the act is not accepted it shall then be null and void, — so as to read as follows: — *Section 11.* This act shall take effect upon its acceptance by a two thirds vote of the voters of either of said towns of Barnstable or Yarmouth voting thereon by ballot at a special town meeting legally called for the purpose, so far as it applies to that town, notice of said meeting to be given by at least two publications in all newspapers published in the town in which the meeting is to be held at least fifteen days before the date of said meeting, or by posting in at least ten conspicuous places in said town. The said meeting shall be held within thirty days after the passage of this act and if, when voted upon, the act is not accepted it shall then be null and void.

When to take effect.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1906.

AN ACT RELATIVE TO ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE TAX COMMISSIONER. *Chap. 322*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter fourteen of the Revised Laws, as amended by chapter ninety-nine of the acts of the year nineteen hundred and four, is hereby further amended by striking out the word "nineteen", in the seventh line, and inserting in place thereof the word: — twenty-two, — so as to read as follows: — *Section 2.* He shall appoint a deputy at a salary of twenty-five hundred dollars a year and may employ two permanent clerks, the first at a salary of two thousand dollars a year and the second at a salary of fifteen hundred dollars a year, and such additional clerical and other assistance as may be necessary at an expense not exceeding twenty-two thousand five hundred dollars a year.

R. L. 14, § 2, etc., amended.

Clerks, salaries, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap.323 AN ACT RELATIVE TO THE SEALING OF GLASS BOTTLES OR JARS
USED IN THE DISTRIBUTION OF MILK OR CREAM.

Be it enacted, etc., as follows:

Glass bottles,
etc., used in
the distribu-
tion of milk,
etc., to be
sealed.

SECTION 1. Any sealer of weights and measures who shall have been notified by any dealer in milk or cream who uses glass bottles or jars for the distribution of milk or cream that the said dealer has in his possession not less than six gross of such glass bottles or jars which have not been sealed, shall forthwith cause the same to be sealed in accordance with the provisions of section forty-three of chapter sixty-two of the Revised Laws, at a suitable place provided by the said dealer.

Fee for
sealing.

SECTION 2. The fee to be charged for sealing bottles or jars under the provisions of this act shall be fifty cents per gross, to be retained by the sealer of weights and measures: *provided, however*, that if he is paid a salary by the city or town he shall account for and pay into the treasury of the city or town all fees received under the provisions of this act.

Proviso.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap.324 AN ACT RELATIVE TO THE EXPENSE OF REMOVING PRISONERS.

Be it enacted, etc., as follows:

The prison
commission-
ers to approve
bills for ex-
pense of re-
moving
prisoners.

SECTION 1. The expense of removing a prisoner to or from a state institution by order of the prison commissioners shall be paid upon bills approved by said commissioners, out of the appropriation for the removal of prisoners, except that when a removal is made at the request of the trustees of any institution, or upon the certificate of a prison physician on account of illness, the expense thereof shall be borne by the institution from which the prisoner is removed. The expense of removing a prisoner to the state asylum for insane criminals or to a state insane hospital, shall be paid by the prison from which the prisoner is removed.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1906.

AN ACT RELATIVE TO THE SALARIES OF THE JUSTICE AND
CLERK OF THE POLICE COURT OF CHELSEA. *Chap. 325*

Be it enacted, etc., as follows:

SECTION 1. Class E of section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and four is hereby amended by striking out the word "and", in the fourth line, and by inserting after the word "Brockton", in the fourth line, the words:— and the police court of Chelsea, — so as to read as follows:—

1904, 458, § 1,
Class E,
amended.

Class E. Courts whose judicial districts have a population of from fifty thousand to sixty thousand, to wit, the district court of East Norfolk, the district court of East Boston, the police court of Brockton and the police court of Chelsea; salaries:— Justice, twenty-five hundred dollars; clerk, fifteen hundred dollars.

Class E.

SECTION 2. Class F of said section is hereby amended by striking out the words "the police court of Chelsea", in the fourth line, so as to read as follows:—

1904, 458, § 1,
Class F,
amended.

Class F. Courts whose judicial districts have a population of from thirty thousand to fifty thousand, to wit, the district court of Hampshire, the police court of Holyoke, the district court of first Bristol, the central district court of northern Essex, the municipal court of the Charlestown district, the district court of northern Norfolk, the municipal court of the West Roxbury district, the second district court of eastern Middlesex, the fourth district court of eastern Middlesex, the police court of Newton, the district court of eastern Essex, the police court of Fitchburg and the second district court of Plymouth; salaries:— Justice, two thousand dollars; clerk, twelve hundred dollars.

Class F.

SECTION 3. This act shall take effect upon its passage, but the salaries of the justice and clerk of the police court of the city of Chelsea, herein established, shall be so allowed and paid from the first day of January in the current year.

When to take
effect.

Approved April 28, 1906.

AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO INCUR
INDEBTEDNESS FOR A NEW HIGH SCHOOL BUILDING. *Chap. 326*

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham, for the purpose of purchasing land for a high school building, and of erect-

Framingham
School Loan,
Act of 1906.

ing, furnishing and equipping the building, is hereby authorized to borrow money beyond its statutory limit of indebtedness to an amount not exceeding one hundred thousand dollars, and to issue notes or bonds therefor. Such notes or bonds shall bear on the face thereof the words, Framingham School Loan, Act of 1906, shall be payable at the expiration of periods not exceeding twenty-five years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem expedient, provided they shall not be sold for less than the par value thereof.

Annual payments on loan.

SECTION 2. Said town shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the loan is extinguished. Said town shall also raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the notes or bonds issued under authority of this act.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by a majority of the voters of the town voting thereon at a meeting duly called for the purpose.

Approved April 28, 1906.

Chap. 327 AN ACT TO PROVIDE FOR THE PROTECTION OF PROPERTY AND MATERIAL USED BY THE COMMISSIONERS ON FISHERIES AND GAME IN MAKING SCIENTIFIC INVESTIGATIONS.

Be it enacted, etc., as follows:

Penalty for entering, without right, buildings, etc., used by the commissioners on fisheries and game in scientific investigations.

Whoever wilfully and without right enters in or upon any building or other structure or any area of land or water set apart and used by or under authority of the commissioners on fisheries and game for conducting scientific experiments or investigations after said commissioners have caused printed notices of such occupation and use and the purposes thereof to be placed in a conspicuous position

adjacent to any such areas of land or water or upon any such building or other structure, and any person who wilfully and maliciously injures or defaces any such building or other structure or any notice posted as aforesaid, or injures or destroys any property used in such experiments or investigations, or otherwise interferes therewith, shall be punished by imprisonment for not more than six months or by a fine of not more than two hundred dollars. And said commissioners and their deputies are hereby authorized to arrest without warrant any person found violating the provisions of this act. *Approved April 28, 1906.*

AN ACT TO AUTHORIZE THE SOUTH DEERFIELD WATER SUPPLY DISTRICT TO MAKE AN ADDITIONAL WATER LOAN. *Chap.328*

Be it enacted, etc., as follows:

SECTION 1. The South Deerfield Water Supply District, for the purposes mentioned in chapter four hundred and eighty-six of the acts of the year nineteen hundred and two, may issue bonds, notes or scrip, signed by the treasurer of the water supply district and countersigned by the chairman of the water commissioners, to be denominated on the face thereof, South Deerfield Water Supply District Loan, Act of 1906, to an amount not exceeding five thousand dollars in addition to the amount heretofore authorized to be issued by said district for the same purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions and with the same powers on the part of said district as are specified in said chapter four hundred and eighty-six, except that said district may vote at a legal meeting called for the purpose to provide for the payment of the said bonds, notes or scrip, in ten annual proportionate payments, the first payment to be made in twenty-one years from the date of the issue of said bonds, notes or scrip.

South Deerfield Water Supply District Loan, Act of 1906.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FEMALE ASSISTANT PROBATION OFFICER FOR THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX. *Chap.329*

Be it enacted, etc., as follows:

SECTION 1. Section eighty-one of chapter two hundred and seventeen of the Revised Laws, as amended by chap-

R. L. 217, § 81, etc., amended.

Probation
officers, ap-
pointment, etc.

ter two hundred and ninety-five of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "district", in the ninth line, the words:— and the justice of the third district court of eastern Middlesex, — so as to read as follows:— *Section 81.* The superior court may appoint probation officers and the justice of each police, district or municipal court and the chief justice of the municipal court of the city of Boston shall appoint one probation officer. Said chief justice may also appoint not more than five male and two female assistant probation officers. The justice of the municipal court of the South Boston district and the justice of the municipal court of the Roxbury district and the justice of the third district court of eastern Middlesex, may also each appoint one female assistant probation officer. Each probation officer and assistant probation officer so appointed shall hold his office during the pleasure of the court which makes the appointment.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap. 330 AN ACT ACCEPTING AN INCREASED ANNUAL APPROPRIATION FROM THE UNITED STATES FOR THE SUPPORT OF AGRICULTURAL EXPERIMENTS, AND AUTHORIZING THE MASSACHUSETTS AGRICULTURAL COLLEGE TO RECEIVE THE SAME.

Be it enacted, etc., as follows:

Acceptance of
a grant of
money from
the United
States.

SECTION 1. The Commonwealth of Massachusetts hereby assents to and accepts a grant of moneys to be made annually by the United States, as set forth and defined in an act of congress, passed at the second session of the fifty-ninth congress and approved March sixteenth, nineteen hundred and six, entitled an "Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof", upon the terms and conditions set forth in said act; and the Massachusetts Agricultural College is hereby authorized and designated to receive said grant of moneys.

Notice of
acceptance
to be given.

SECTION 2. The governor is hereby authorized to give due notice of the passage of this act to the government of the United States.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1906.

AN ACT TO INCORPORATE THE HENRY C. NEVINS HOME FOR THE AGED AND INCURABLE. *Chap.331*

Be it enacted, etc., as follows:

SECTION 1. Ida Mason, John Neuscheler and Joseph S. Howe, their associates and successors, are hereby made a corporation by the name of the Henry C. Nevins Home for the Aged and Incurable, to be located in the town of Methuen, Massachusetts, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

Henry C. Nevins Home for the Aged and Incurable incorporated.

SECTION 2. The object of the said corporation shall be to carry out the charitable trusts created by the will of Julie F. H. Nevins, late of the city of New York, deceased, who devised and bequeathed certain property in trust for the purpose of establishing and maintaining at Methuen "a home for aged persons, of either sex, whether married or single, and who may be practically incapable of supporting themselves; and also for those of whatever age, of either sex, who may be afflicted with incurable malady, and who may stand in need of charitable aid." It shall be the duty of the said corporation to carry out the said trusts in the manner directed by the said will. The corporation is authorized to receive, hold and use any other property which may be given to it by will or otherwise, in trust or otherwise, for the purposes of the corporation.

Object of the corporation, etc.

Approved April 28, 1906.

AN ACT TO AUTHORIZE THE TOWN OF WESTBOROUGH TO CONSTRUCT A SCHOOL BUILDING. *Chap.332*

Be it enacted, etc., as follows:

SECTION 1. The town of Westborough, for the purpose of erecting, furnishing and equipping a new school building, is hereby authorized to borrow a sum not exceeding thirty-five thousand dollars, and to issue notes or bonds therefor. Such notes or bonds shall be designated on the face thereof, Town of Westborough School Loan, Act of 1906, shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town.

Town of Westborough School Loan, Act of 1906.

The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem expedient, provided they shall not be sold for less than the par value thereof.

Annual
payments
on loan.

SECTION 2. Said town shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote, be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the loan is extinguished. Said town shall also raise annually by taxation a sum which will be sufficient to pay the interest as it accrues on the notes or bonds issued under authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap.333 AN ACT TO AUTHORIZE THE FIRST PARISH IN BROCKTON TO SELL, LEASE, OR IMPROVE ITS UNOCCUPIED REAL ESTATE.

Be it enacted, etc., as follows:

The First
Parish in
Brockton may
sell certain
real estate.

SECTION 1. The First Parish in Brockton is hereby authorized to sell or lease any or all of its unoccupied real estate not used or needed for its church purposes, or to improve the same by erecting a building or buildings thereon, and for that purpose to mortgage the whole or any part of the same. The income thereof shall be applied to the support and maintenance of its church.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1906.

Chap.334 AN ACT TO AUTHORIZE THE MASSACHUSETTS COLLEGE OF OSTEOPATHY TO GRANT DEGREES.

Be it enacted, etc., as follows:

Massachusetts
College of
Osteopathy
may grant
degrees.

Proviso.

SECTION 1. The Massachusetts College of Osteopathy may grant the degree of Doctor of Osteopathy to students properly accredited and recommended by its faculty: *provided, however*, that the course of instruction furnished by the corporation shall occupy not less than three years.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1906.

AN ACT TO PROVIDE FOR THE ANNEXATION OF A PART OF THE TOWN OF TEWKSBURY TO THE CITY OF LOWELL. *Chap. 335*

Be it enacted, etc., as follows:

SECTION 1. So much of the town of Tewksbury, in the county of Middlesex, with all the inhabitants and estates therein as is substantially bounded as follows, viz.: — Beginning at a point on the southerly side of the Merrimack river at a stone wall, at the dividing line between land of A. J. Trull and R. G. Bartlett; thence southerly and south-westerly by the dividing line between said Trull and Bartlett by a stone wall thirty-three hundred and sixty-six and ninety-eight one hundredths feet to the northerly line of Andover street; thence southeasterly across Andover street one hundred and sixty-five one hundredths feet to a point in the southerly line of said street, at the dividing line of John Fleming and C. I. Hood; thence south six degrees, nineteen minutes west by said dividing line and through land of C. I. Hood six hundred seventy-eight and seven tenths feet; thence south twenty-one degrees, fifty minutes, forty-one seconds west by land of Haley through land of Clark, Hood and Gookin and Eliades across Clark street fifty-seven hundred and eight and thirty-three one hundredths feet to the southerly line of Main street; thence south twenty-eight degrees, ten minutes, fifty-nine seconds west through land of Kelley, Marshall, Cawley, Marshall and French across the Lowell and Andover railroad and the Lowell and Lawrence railroad three thousand and sixteen and eighteen one hundredths feet to the northerly line of Astle street, to corner of wall between land of Sprague and French; thence south forty-nine degrees, eight minutes, forty-five seconds west through land of French and Felker across Whipple and Billerica roads and Felker street twenty-five hundred and twenty-six and ninety-seven one hundredths feet to the northwest line of Elm avenue; thence south eighty-six degrees, fifty-one minutes, forty-five seconds west by the northwesterly line of Elm avenue across Lowell and Talbot streets and the southern division of the Boston and Lowell railroad and through land of Shedd and the United States Cartridge Company thirty-six hundred and sixteen one hundredths feet to the Concord river; thence northeasterly down the Concord river forty-three hundred and ninety feet to a point opposite a

Part of the town of Tewksbury annexed to the city of Lowell.

Part of the town of Tewksbury annexed to the city of Lowell.

stone monument on the southwesterly side of Billerica street; thence southeasterly by the said monument across Billerica and Lawrence streets and the Lowell and Andover railroad to a stone monument in the northeasterly line of said railroad eight hundred and thirty-two feet; thence southeasterly by the northeasterly line of said railroad twenty-one hundred and eighty-two feet to a stone monument on the easterly side of Boylston street; thence in a northeasterly direction twenty-three hundred and eighty-eight and seventy-two one hundredths feet to a stone monument in the northeasterly line of Main street and the easterly line of the Butman road; thence northerly by the easterly line of the Butman road fifty-one hundred and fourteen and thirteen one hundredths feet to a stone monument in the northerly line of Andover street; thence westerly by the northerly line of Andover street thirty-five feet; thence northerly by the dividing line between land of the Butler estate and land formerly of the Plummer estate across East Merrimack street, eight hundred and ninety-seven feet to the Merrimack river; thence easterly down the Merrimack river about fifty-two hundred feet to the point of beginning, — is hereby set off and separated from said town of Tewksbury and annexed to and made a part of the city of Lowell in said county and shall constitute a part of the ninth ward thereof until a new division of wards is made.

Liability for taxes.

SECTION 2. The inhabitants and the estates on said tract of land set off as aforesaid and the owners of said estates shall be liable to pay all such taxes as are already assessed on them by said town of Tewksbury and all such taxes as may be assessed on them by said town of Tewksbury before this act shall take effect, in the same manner as they would have been liable if this act had not been passed. And until the next state valuation the city of Lowell shall annually in the month of November, pay to the town of Tewksbury, the proportionate part of the state and county tax assessed upon said town of Tewksbury, which the valuation of the part set off bears to the total valuation of the town according to the valuation made by the assessors of the town in the year nineteen hundred and five.

Support of paupers.

SECTION 3. If any persons who have heretofore gained a legal settlement in the town of Tewksbury by reason of residence on the territory set off as aforesaid, or by hav-

ing been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall come to want and stand in need of relief, aid and support as paupers they shall be relieved and supported by the city of Lowell, in the same manner as if they had gained a legal settlement in said Lowell.

SECTION 4. The city of Lowell shall assume and agree to pay to the Central Savings Bank of Lowell the four remaining payments of fifteen hundred dollars annually with interest at three and one half per cent on the first loan contracted for the construction of Andover street, the cost of which with land damages amounted to twenty-three thousand three hundred and ten dollars. The city of Lowell shall also assume and agree to pay to the Central Savings Bank of Lowell the seven remaining payments of fifteen hundred dollars annually with interest at four per cent on loan obtained for the new eight-room schoolhouse on Talbot street in said Tewksbury built about three years ago, the assessed valuation of which with the adjoining land for school purposes is twenty-five thousand dollars.

The city to assume certain liabilities.

SECTION 5. The city of Lowell shall on the passage of this act become the absolute owner of all rights, interest and property now held by the town of Tewksbury in the said eight-room schoolhouse on Talbot street and the schoolhouse lot appurtenant thereto, and also to the "Gumb Lot", so-called, which is free from incumbrances, bounded by Juniper and Talbot streets and located in the territory to be hereby annexed to said Lowell.

Rights in a certain school house to vest in the city.

SECTION 6. The inhabitants upon the territory hereby set off and annexed to the city of Lowell shall continue to be a part of the town of Tewksbury for the purpose of electing senators and representatives to the general court, until the next apportionment shall be made, and it shall be the duty of the mayor and aldermen of said city to make a true list of the persons on the territory hereby annexed, qualified to vote at such elections, and to post up the list in said territory, and to correct the same, as required by law, and to deliver the same to the selectmen of said town, at least seven days before any such election, and the same shall be taken and used by the selectmen of said town for such election in the same manner as if it had been prepared by themselves.

Election of senators and representatives, etc.

SECTION 7. This act shall take effect upon its passage.

Approved April 30, 1906.

Chap.336 AN ACT RELATIVE TO PREMIUMS RESULTING FROM THE SALE OF METROPOLITAN PARK LOAN BONDS.

Be it enacted, etc., as follows:

Premiums
from sale of
securities to be
paid into sink-
ing fund.

SECTION 1. Premiums received from the sale of securities, certificates of debt or bonds, issued on account of the metropolitan parks for park or boulevard purposes, shall hereafter be paid into the sinking fund for the extinguishment of the principal indebtedness.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1906.

Chap.337 AN ACT RELATIVE TO PREMIUMS RECEIVED FROM THE SALE OF METROPOLITAN WATER LOAN BONDS.

Be it enacted, etc., as follows:

Premiums
from sale of
securities to be
paid into sink-
ing fund.

SECTION 1. Premiums received from the sale of bonds issued on account of the Metropolitan Water Loan, under section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, shall hereafter be paid into the sinking fund for the extinguishment of the principal indebtedness.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1906.

Chap.338 AN ACT RELATIVE TO PREMIUMS RECEIVED FROM THE SALE OF METROPOLITAN SEWERAGE LOAN BONDS.

Be it enacted, etc., as follows:

Premiums
from sale of
securities to be
paid into sink-
ing fund.

SECTION 1. Premiums received from the sale of scrip, certificates of debt or bonds, issued on account of the metropolitan sewerage works, shall hereafter be paid into the sinking fund for the extinguishment of the principal indebtedness.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1906.

Chap.339 AN ACT RELATIVE TO THE DISCONTINUANCE OF STREET RAILWAY TRACKS.

Be it enacted, etc., as follows:

The supreme
judicial court
may compel

SECTION 1. If a street railway company without right or lawful excuse discontinues the use of any track and

when requested by the board of aldermen of the city or by the selectmen of the town in which such track is located refuses to operate the same, the mayor of the city, if duly authorized by vote of the city council, or the selectmen of the town, if duly authorized by vote of the town, may petition the supreme judicial court to compel the company to resume the use of such track and to perform all its corporate duties relating thereto. Such petition shall set forth the facts upon which the petitioner relies and the relief sought, but shall not be defeated for informality, and may be amended at any stage; and said court shall have jurisdiction in equity to determine the cause and to enforce its decrees and orders relative thereto.

the use of
certain street
railway tracks.

SECTION 2. Upon the filing of any such petition said court shall order due notice to be served upon the street railway company and shall advance the cause to speedy hearing and final decision.

Notice to be
served, etc.

SECTION 3. In case the track, the use of which has been discontinued, is located in two or more municipalities, any or all of such municipalities acting by the officials above named and authorized as hereinbefore provided, may join in such petition.

Two or more
municipalities
may join in
petition.

SECTION 4. Nothing herein contained shall be deemed a legislative construction of any existing law or an impairment of any existing right of a street railway company to discontinue the use of tracks.

Existing
rights not
impaired.

Approved April 30, 1906.

AN ACT RELATIVE TO THE ERECTING, ALTERING, REMODELLING
AND ENLARGING OF BUILDINGS IN THE CITY OF BOSTON.

Chap. 340

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out section nineteen and inserting in place thereof the following: —

1892, 419, § 19,
amended.

STRENGTH OF MATERIALS.

Section 19. The stresses in materials hereafter used in the construction of all buildings, produced by the calculated strains due to their own weights and applied loads, shall not exceed the following: —

Strength of
materials in
buildings.

TIMBER.

Stresses of
materials.*Stresses in Pounds per Square Inch.*

	On Extreme Fibre.	Shearing along Grain.	Compression Perpendicular to Grain.
White pine and spruce, . .	1,000	80	250
White oak,	1,000	150	600
Yellow pine (long-leaved), .	1,500	100	500

Stresses due to transverse strains combined with direct tension or compression shall not exceed the extreme fibre stresses given above.

For Posts with Flat Ends.

The stresses are given in the following table, in which L equals length of post, D equals least diameter of post, and S equals stress per square inch:—

WHITE PINE AND SPRUCE.		LONG-LEAVED YELLOW PINE.		WHITE OAK.
$\frac{L}{D}$	S	$\frac{L}{D}$	S	S
0 to 10	625	0 to 15	1,000	750
10 to 35	500	15 to 30	875	650
35 to 45	375	30 to 40	750	560
45 to 50	250	40 to 45	625	470
		45 to 50	500	375

WROUGHT IRON AND STEEL.

Stresses in Pounds per Square Inch.

STRESSES OF MATERIALS.	Wrought Iron.	Steel.
Extreme fibre stress, rolled beams and shapes,	12,000	16,000
Tension,	12,000	15,000
Compression in flanges of built beams,	10,000	12,000
Shearing,	9,000	10,000
Direct bearing, including pins and rivets,	15,000	18,000
Bending on pins,	18,000	22,500

For columns and compression members, ten thousand for iron and twelve thousand for steel, reduced for ratio of length of column or member to its least radius of gyration by approved formulas.

Stresses due to transverse strains combined with direct tension or compression shall not exceed the extreme fibre stress given above for rolled beams and shapes, or in case of built members the above tension and compression stresses.

Compression flanges of beams shall be proportioned to resist lateral flexure unless properly stayed or secured against the same.

Shearing and bearing stresses on bolts, whether wrought iron or steel, shall not be higher than allowed by the above table for wrought iron. All connections in skeleton buildings of which the height exceeds twice the least horizontal dimension, all joints in steel trusses and girders, and all connections of such trusses and girders to the sides of steel columns, shall be made by means of rivets.

Deflection, Modulus of Elasticity.

[illegible]

Stresses for steel are those for "structural steel" having an ultimate tensile strength of fifty-five thousand to sixty-five thousand pounds per square inch, an elastic limit of not less than one half the ultimate strength and a minimum per cent of elongation in eight inches of one million four hundred thousand divided by the ultimate strength.

CAST IRON.

Stresses in Pounds per Square Inch.

Extreme fibre stress, tension,	3,000	Cast iron.
Extreme fibre stress, compression for columns and lintels,	8,000	
Extreme fibre stress, compression for short blocks or plates, . . .	16,000	
Extreme fibre stress, compression for connection members such as lags,	2,500	

Cast iron shall not be used for columns in buildings of more than seventy feet in height.

Capacity of columns.

Table for Capacity of Cast-iron Columns.

Where the Length divided by the Least Radius of Gyration equals —	Working Stress per Square Inch of Section.	Where the Length divided by the Least Radius of Gyration equals —	Working Stress per Square Inch of Section.
70	9,200	30	10,400
60	9,500	20	10,700
50	9,800	10	11,000
40	10,100	—	—

STONE WORK, IN COMPRESSION.

Stresses in Tons of Two Thousand Pounds per Square Foot.

Stone work, etc.

First quality dressed beds and builds, laid solid in cement mortar.

Granite,	60
Marble and limestone,	40
Sandstone,	30

In cases where poorer mortar is used, to avoid stain from cement, stresses to be less than above may be approved by the building commissioner.

In ashlar-faced work no allowance over strength of brick-work is to be made for ashlar less than eight inches thick. For eight inches thick and over the excess over four inches shall be allowed.

BRICKWORK IN COMPRESSION.

Stresses in Tons of Two Thousand Pounds per Square Foot.

Brick work, etc.

First class work, of hard-burned bricks, and including piers in which height does not exceed six times the least dimensions, laid in: —

(a) One part Portland cement, three parts sand,	18
(b) One part Rosendale cement, two parts sand,	15
(c) One part Rosendale cement, one part lime and six parts sand,	12
(d) Lime mortar, one part lime, six parts sand,	8

Cement and lime to be measured dry.
Brick piers of hard-burned bricks, in which height is from six to twelve times the least dimension: —

[illegible]

For "light-hard" bricks, stresses shall not exceed two thirds of the above.

CONCRETE.

When the structural use of concrete is proposed, a specification, stating the quality and proportion of materials and the methods of mixing the same, shall be submitted to the building commissioner, who may issue a permit at his discretion and under such further conditions as he sees fit to impose.

In first class Portland cement concrete containing one part cement to not more than six parts properly graded aggregate of stone and sand, except in piers or columns of which the height exceeds six times the least dimension, the compressive stress shall not exceed thirty tons per square foot.

In piers and columns of first class Portland cement concrete, containing one part cement to not more than five parts properly graded aggregate of stone and sand, where the height of pier or column is more than six times and does not exceed twelve times its least dimension, the compressive stress shall not exceed twenty-five tons per square foot.

In steel-concrete beams or slabs subjected to bending stresses, the entire tensile stress shall be carried by the steel, which shall not be strained above the limits allowed for this material. First class Portland cement concrete in such beams or slabs, composed of one part cement to not more than five parts of properly graded aggregate of stone and sand, may be strained in compression to not more than five hundred pounds per square inch. In case one part of cement to not more than three parts of properly graded aggregate of stone and sand is used, this stress may be increased to not more than six hundred pounds per square inch. Concrete shall not be strained in sheer more than thirty pounds per square inch.

IN GENERAL.

Stresses for materials and forms of the same, not herein mentioned, shall be determined by the building commissioner. Powers of building commissioner.

sioner, and provision for wind bracing shall be made where it is necessary, and all buildings shall be constructed of sufficient strength to bear the load intended to be placed therein, in addition to the weight of materials used in construction.

MORTARS.

Mortars.

All mortars shall be made with such proportion of sand as will insure a proper degree of cohesion and tenacity, and secure thorough adhesion to the material with which they are used, and the building commissioner shall condemn all mortars not so made. The following rules shall be complied with: —

(a) Mortar below level of water shall be no poorer than one part Portland cement and three parts sand;

(b) Mortar for first class buildings shall for one half their height be no poorer than one part Rosendale cement, two parts sand, above, equal parts of cement and lime, and the proper proportion of sand;

(c) Mortar for second class buildings and for such parts of third class buildings as are below the level of the sidewalk shall be no poorer than equal parts of lime and cement, with a proper proportion of sand;

(d) Mortar for third class buildings above ground shall be no poorer than the best lime mortar.

The building commissioner may allow the use of mortar in setting stone where cement would stain.

QUALITY OF MATERIALS.

Quality of materials.

All materials shall be of good quality for the purposes for which they are to be used, shall conform to legal, trade and manufacturers' standards, and shall be subject to the approval of the building commissioner.

CUTTING.

Cutting.

Cutting for piping or other purposes shall not be done so as to reduce the strength of the supporting parts below that required by the provisions of this act.

Altering, re-modelling, etc.

SECTION 2. Any building erected prior to the passage of this act having not more than five floors above the mean grade of all the sidewalks, may be altered, remodelled or enlarged for use as a dwelling, tenement or lodging house in accordance with prevailing requirements for second

class construction in the new parts of such building so remodelled, altered or enlarged.

(a) The height of any such building shall not be increased. The number of stories of such buildings shall not exceed five above the cellar or basement. Height not to be increased, etc.

(b) Such buildings so altered, remodelled, or enlarged shall conform to the rules of the board of health. Authority of board of health.

(c) Every such building shall be provided with at least two exits satisfactory to the building commissioner, subject to appeal as provided by law. Exits.

(d) Every such building shall have, beside the exposure on its main front, an exposure as long as the average width of the building, upon a space open from the ground to the sky, at least ten feet wide for the first three stories, and, unless the space be twenty feet wide at start, increasing in width five feet with each additional story, until the width of such space is twenty feet. Exposures.

(e) Such exposure may be either upon private or public ways, or upon land which is dedicated for the use of the building and may be divided and placed as approved by the building commissioner.

(f) These spaces shall remain undiminished so long as the building is used for habitation.

(g) If the building is situated on the corner of streets, or private ways not less than ten feet wide, the building commissioner may approve the omission of the whole or part of this additional exposure.

SECTION 3. New buildings adapted for the purposes mentioned in section two, and not more than four stories above the cellar or basement, may be erected of second class construction under the conditions above recited, provided that no such building shall exceed five thousand square feet in superficial area. The first story or basement, or both the first story and basement, in such buildings, so erected, altered, remodelled or enlarged, may be used for mercantile purposes, provided the walls and ceilings surrounding the areas so used shall be fire-stopped to the satisfaction of the building commissioner. Erection of new buildings.

SECTION 4. New buildings of brick or concrete, not over two stories in height, adapted for the occupancy of a single family and having a superficial area not greater than one thousand square feet, may be constructed with external and party or division walls of eight inches in thickness, and where such buildings are provided with but Regulating construction of certain new buildings.

Proviso. a single bath room and water closet, these and such other water fixtures as the house may contain, may connect with the house drain with a single trap and be ventilated by a single vent or air pipe: *provided, however*, that where the party wall of a building thus constructed joins or becomes the party wall of another such building, the floor timbers in each of such buildings shall be so spaced or protected that their ends shall be separated from each other by a distance of not less than eight inches.

Repeal. SECTION 5. So much of any act as is inconsistent herewith is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 30, 1906.

Chap.341 AN ACT TO PROVIDE FOR CORRESPONDENCE BY LETTER BETWEEN THE STATE BOARD OF CHARITY AND INMATES OF INSTITUTIONS UNDER ITS SUPERVISION.

Be it enacted, etc., as follows:

Inmates of
certain insti-
tutions, rights,
etc.

All inmates of any institution under the supervision of the state board of charity shall be allowed, subject to the regulations of the board, to write freely to the board, and letters so written shall be forwarded, unopened, by the superintendent or person in charge of the institution to said board for such disposition as it shall consider right, and the board may send any letters or other communications to any inmates of any such institution whenever it may consider it proper so to do.

Approved April 30, 1906.

Chap.342 AN ACT RELATIVE TO PRACTICE IN LEGAL PROCEEDINGS.

Be it enacted, etc., as follows:

R. L. 173, § 76,
repealed.

SECTION 1. Section seventy-six of chapter one hundred and seventy-three of the Revised Laws is hereby repealed.

R. L. 173, § 96,
amended.

SECTION 2. Section ninety-six of said chapter one hundred and seventy-three is hereby amended by striking out the words "except a judgment rendered upon an answer in abatement or upon a motion to dismiss for defect of form of process or", in the sixth, seventh and eighth lines, so as to read as follows:— *Section 96.* A party who is aggrieved by a judgment of the superior court upon a demurrer which alleges that the facts stated in the pleadings demurred to do not in law support or answer the action, if such pleadings are not amended, or a party who

Appeal to full
court.

is aggrieved by any other judgment founded upon matter of law apparent on the record in any proceeding, except a judgment rendered by three justices under the provisions of section five of chapter one hundred and fifty-seven, may appeal therefrom to the supreme judicial court. An issue of law joined in the superior court shall not be waived by consent of parties after such appeal has been entered in the supreme judicial court, but that court may, for good cause, allow the parties to withdraw or amend their pleadings, and, if they result in an issue of fact, the case shall be remanded to the superior court for trial; but no execution shall issue upon the judgment appealed from, unless the appeal is waived, until the case shall have been so remanded. An appeal from a judgment rendered upon a demurrer or upon a case stated shall be claimed within thirty days after the entry of such judgment.

SECTION 3. Section one hundred and six of said chapter one hundred and seventy-three is hereby amended by striking out the words "and except upon answers in abatement or motions to dismiss for defect of form of process", in the eighth, ninth and tenth lines, so as to read as follows: — *Section 106.* R. L. 173, § 106, amended.

Exceptions may be alleged by any party who is aggrieved by an opinion, ruling, direction or judgment of the supreme judicial court or of the superior court which is rendered upon any matter of law in any civil cause, according to the course of the common law or otherwise, tried by a jury or heard by the court, or upon a motion for a new trial, except in actions tried by three justices of the superior court under the provisions of section five of chapter one hundred and fifty-seven. The exceptions shall be reduced to writing and filed with the clerk, and notice thereof shall be given to the adverse party, in civil cases tried by a jury, within twenty days after the verdict is rendered, and in cases tried without a jury, within twenty days after the notice of the decision has been received, unless further time is allowed by the court. The clerk, immediately on the filing of the exceptions, shall present them to the court, and if, upon examination thereof by the presiding justice, after hearing the parties, the exceptions are found conformable to the truth, they shall be allowed by him. Exceptions.

SECTION 4. This act shall not affect cases pending before the courts at the date of its enactment. Pending cases not affected.

Approved April 30, 1906.

Chap. 343 AN ACT TO AUTHORIZE THE TOWN OF MILFORD TO CONSTRUCT
A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

The town of
Milford may
construct a
system of
sewerage, etc.

SECTION 1. The town of Milford is hereby authorized to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, with such connections and other works as may be required for a system of sewage disposal; and, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may, within its limits, deepen, widen and clear of obstruction any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within the town.

Sewer com-
missioners,
election,
terms, etc.

SECTION 2. Said town shall elect a board to consist of three commissioners, to be called sewer commissioners of the town of Milford, who shall be citizens and residents of the town and shall be elected by ballot at an annual meeting of the town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting at which he is elected, and until his successor is elected and qualified; and at each annual town meeting thereafter the town shall elect one member of the board to serve for three years or until his successor is elected and qualified. If a vacancy occurs in the board the town may at a meeting called for the purpose elect a person duly qualified to fill the vacancy.

Vacancy.

May acquire
lands, water
rights, etc.

SECTION 3. Said board of commissioners, acting in behalf of the town, shall have power to acquire, by purchase or otherwise, any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for any of the purposes mentioned in this act, and may construct within the town such main drains and sewers under or over any water course, bridge, railroad or way, or within the location of any railroad or railway, and may enter upon and dig up any private land, street or

way, or railroad or railway location, for the purpose of laying such main drains and sewers, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that said commissioners shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

Proviso.

SECTION 4. Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester, a statement signed by a majority of the board, containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in the town of Milford, which shall pay all damages therefor and all other damages which shall be sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation injured hereunder, upon the damages sustained by such person or corporation; and if the damages are not agreed upon, a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining the damages for land taken for the laying out of highways; but in case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Description of lands, etc., to be recorded.

Damages.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally re-

Town may offer a specified sum for damages.

cover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of such notice, and the petitioner, if he does not recover damages to an amount greater than the amount specified in said offer, shall be entitled to costs only to said date.

Milford
Sewerage
Loan.

SECTION 6. The town of Milford, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars, and may issue from time to time therefor bonds or notes; and the debt and loan authorized by this act and the bonds or notes issued therefor shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, Milford Sewerage Loan, shall be payable within periods not exceeding thirty years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by a majority of the selectmen. The town may from time to time sell such securities, or any part thereof, at public or private sale, provided they shall not be sold for less than the par value thereof. The proceeds thereof shall be retained in the treasury and the treasurer shall upon the order of said board of commissioners pay therefrom the expenses incurred for the purposes aforesaid.

Annual
payments
on loan.

SECTION 7. The town shall at the time of authorizing the said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town is extinguished.

Payment of
loan, etc.

SECTION 8. The receipts from sewer assessments and from payments made in lieu thereof, and the premiums, if any, received from the sale of bonds or notes issued under authority of this act, shall be applied by the board

of sewer commissioners to the payment of charges and expenses incident to the maintenance and operation of said systems of sewerage, or to the extension thereof, except that the town may apply any part of such receipts to the payment of the interest upon bonds or notes issued under authority of this act and not otherwise provided for, or to the payment or redemption of such bonds or notes, as the town shall by vote determine, and the said receipts shall be used for no other purpose. If such receipts shall not in any year be sufficient for the purposes aforesaid the town shall raise forthwith by taxation, in the same manner in which money is raised and appropriated for other town purposes, the balance required therefor.

SECTION 9. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent at its pleasure. The compensation of the commissioners shall be fixed by the town.

Commis-
sioners to
appoint a
clerk, etc.

SECTION 10. All contracts made by said board of commissioners shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

Contracts.

SECTION 11. Said commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of the materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of Milford, if there be any, and if not, then in some newspaper published in the county of Worcester, and shall not take effect until such publication has been made.

Commis-
sioners may
make rules
and regula-
tions, etc.

SECTION 12. No act shall be done under authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public. At such hearing plans showing in detail all the work to be

Plans to be
approved by
state board
of health.

done in constructing said system of sewerage shall be submitted for the approval of the state board of health.

Town may
commence
construction.

SECTION 13. Until said board of commissioners shall have been elected as provided in this act, the town may carry on the construction of its system of sewerage by a duly authorized committee of the town, but for a period not longer than until the annual meeting next but one after the commencement of said work of construction. Said committee shall serve without pay and shall have all the powers and authority given to the board of sewer commissioners in this act or by the general laws relating to boards of sewer commissioners.

When to take
effect.

SECTION 14. This act shall take effect upon its passage, but no expenditure shall be made and no liability incurred hereunder until this act has been accepted by vote of a majority of the voters of said town voting thereon at a legal meeting called for the purpose. *Approved May 1, 1906.*

Chap. 344 AN ACT TO CONFER UPON THE LAND COURT JURISDICTION TO DETERMINE CERTAIN QUESTIONS RELATING TO WRITTEN INSTRUMENTS PURPORTING TO AUTHORIZE THE SALE, CONVEYANCE, MORTGAGE OR TRANSFER OF REAL ESTATE.

Be it enacted, etc., as follows:

Persons acting
in a fiduciary
capacity, etc.,
may petition
the land court
for authority to
make certain
transfers, etc.

SECTION 1. Any person having, in a representative or fiduciary capacity or otherwise, a power or authority, created by any written instrument, to sell, convey, mortgage or otherwise transfer any interest in real estate, may file a petition in the land court, setting forth the act or acts which he proposes to do by virtue of such power or authority, and praying that his power or authority under such written instrument to do such act or acts may be established.

Court to
determine
authority, etc.

SECTION 2. Upon such petition, after such notice as the court may direct, the court may determine the existence and extent of the power or authority of the petitioner to do such act or acts, including the existence of the necessity for its exercise and also any other fact or circumstance that may be required for the exercise of such power or authority.

Certain
provisions
of law to
apply.

SECTION 3. The provisions of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, and the procedure established thereby for pro-

ceedings under said chapter, shall apply to proceedings under this act so far as the same may be applicable.

SECTION 4. This act shall take effect upon its passage.

Approved May 2, 1906.

AN ACT RELATIVE TO HAWKERS AND PEDLERS.

Chap.345

Be it enacted, etc., as follows:

Section fifteen of chapter sixty-five of the Revised Laws, as amended by chapter three hundred and seventy-seven of the acts of the year nineteen hundred and five, is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 15.* Hawkers and pedlers may sell without a license books, newspapers, pamphlets, fuel, provisions, ice, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, and the products of their own labor or of the labor of their families, including among such products fruits and agricultural products, if such sale is not made in violation of an ordinance or by-law of the city or town. Cities and towns, may by ordinance or by-law not inconsistent with the provisions of this chapter regulate the sale and exposing for sale by hawkers and pedlers of said articles, and may affix penalties for the violation of such regulations; and may require hawkers and pedlers of fruit and vegetables to be licensed, provided that the license fee does not exceed that prescribed by section nineteen of chapter sixty-five of the Revised Laws for a license embracing the same territorial limits. But a person engaged in the pursuit of agriculture who peddles fruits and vegetables shall not be deemed a hawker or pedler under the provisions of this chapter.

R. L. 65, § 15, etc., amended.

Hawkers and pedlers may sell certain goods without license.

Cities and towns may regulate sales.

Certain persons may sell fruit and vegetables, etc.

Approved May 3, 1906.

AN ACT RELATIVE TO PENALTIES OR FORFEITURES FOR FAILURE TO FILE REPORTS AND CERTIFICATES OF CONDITION AND TAX RETURNS.

Chap.346

Be it enacted, etc., as follows:

SECTION 1. Section forty-nine of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "continues", in the fourteenth line, the words: — or any other sum, not greater than the maximum penalty or forfeiture, which the court may deem just and equitable, —

1906, 437, § 49, amended.

Penalty for failure to file report of condition, etc.

so as to read as follows: — *Section 49.* If a corporation fails to file its report of condition within thirty days after the date of its annual meeting or of a final adjournment thereof, or its tax return before the tenth day of May of each year, the commissioner of corporations or the tax commissioner, as the case may be, shall give notice by mail, postage prepaid, to such corporation of its default. If it omits to file such report or return within thirty days after such notice of default has been given, it shall forfeit to the Commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such default continues, or any other sum, not greater than the maximum penalty or forfeiture, which the court may deem just and equitable. If a corporation fails for two successive years to file its annual report of condition, the supreme judicial court, upon application by the commissioner of corporations, after notice and a hearing, may decree a dissolution of the corporation.

Decree of dissolution may issue, etc.

1903, 437, § 68, amended.

Penalty on foreign corporation, etc.

SECTION 2. Said chapter four hundred and thirty-seven is hereby further amended by striking out section sixty-eight and inserting in place thereof the following: — *Section 68.* If a foreign corporation of the classes described in section fifty-eight omits to file the certificate required by section sixty-six, the commissioner of corporations shall give notice to the corporation of its default, by mail, postage prepaid, directed to the resident manager, if any, in the United States, or to any other person designated by the corporation, by written notice filed in the office of the commissioner, as provided in section fifty-nine for notice of the service of legal process. If it fails to file such certificate within thirty days after such notice of default has been mailed, it shall forfeit to the Commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such omission continues, or any other sum, not greater than the maximum penalty or forfeiture, which the court may deem just and equitable, which shall be recovered as provided in section fifty.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1906.

AN ACT RELATIVE TO FOREIGN BANKING ASSOCIATIONS OR CORPORATIONS. *Chap. 347*

Be it enacted, etc., as follows:

SECTION 1. No foreign banking association or corporation shall hereafter be admitted to transact business in this Commonwealth until such association or corporation has received a certificate from the board composed of the bank commissioner, the treasurer and receiver general and the commissioner of corporations giving it authority to transact business in this Commonwealth, which certificate the said board is hereby authorized to grant. Any foreign banking association or corporation transacting business in this Commonwealth shall become subject to the supervision of the bank commissioner, and shall annually, within thirty days after the last business day of October, and at other times during each year on any past day to be specified by the commissioner, make to him in such form as may be prescribed by him a return, signed and sworn to by the treasurer or corresponding officer of the corporation, showing accurately the condition thereof at the close of business on said day. The president and a majority of the directors shall certify and make oath that the report is correct according to their best knowledge and belief.

Certain foreign banking associations not to do business without permission, etc.

SECTION 2. The bank commissioner, shall annually at least, and as much oftener as he may deem expedient, examine, either personally or by a competent examiner whom he shall appoint, every such association or corporation and thoroughly inspect and examine its affairs to ascertain its financial condition and whether it has complied with all provisions of law. The proper charges incurred by reason of any such examination shall be paid by the association or corporation examined.

Annual examination, etc.

SECTION 3. For the purposes aforesaid, the bank commissioner or the person making the examination shall have free access to the vaults, books and papers of any such association or corporation, and may summon the directors, officers or agents thereof, and such other witnesses as may be deemed necessary, for examination relative to the affairs, transactions and condition of such association or corporation, and for that purpose is hereby empowered to administer oaths.

Bank commissioner to have access to vaults, etc.

SECTION 4. If, upon examination, it appears that such association or corporation is insolvent, or that its capital

Supreme judicial court to have jurisdiction, etc.

is impaired, or that its condition is such as to render the continuance of its business hazardous to the public or to those having funds in its custody, the bank commissioner shall apply, or, if such association or corporation appears to have exceeded its powers or failed to comply with any provision of law, may apply to the supreme judicial court, which shall have jurisdiction in equity on such application, to issue an injunction restraining such association or corporation, in whole or in part, from further proceeding with its business, and to make such further order or decree as justice and equity may require. The court may appoint one or more receivers to take possession of its property and effects, subject to such directions as may from time to time be prescribed by the court.

Receivers.

Repeal.

SECTION 5. Chapter four hundred and sixty-three of the acts of the year nineteen hundred and two is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved May 3, 1906.

Chap. 348 AN ACT RELATIVE TO THE CORPORATE MEMBERSHIP OF THE WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

1885, 214, § 1,
amended.

SECTION 1. Section one of chapter two hundred and fourteen of the acts of the year eighteen hundred and sixty-five, being "An Act to incorporate the Worcester County Free Institute of Industrial Science", the name of which was changed by chapter three hundred and five of the acts of the year eighteen hundred and eighty-seven to the Worcester Polytechnic Institute, is hereby amended by striking out the words "more than twelve", in the last line, and inserting in place thereof the words: — less than twelve members nor more than fifteen, — so as to read as follows: — *Section 1.* George F. Hoar, Seth Sweetser, their associates and successors, are hereby made a body corporate, by the name of the Worcester County Free Institute of Industrial Science, for the purpose of establishing and maintaining in the city of Worcester, an institution to aid in the advancement, development and practical application of science, in connection with arts, agriculture, manufactures, mercantile business and such other kindred branches of practical education as said corporation shall

Worcester
County Free
Institute of
Industrial
Science, etc.

determine; with all the powers and privileges, and subject to all the duties and liabilities set forth in all laws which now are or may hereafter be in force, and applicable to such corporations. The mayor of the city of Worcester, for the time being, shall, *ex officio*, be a member of said corporation, and one member shall be appointed by the board of education, from time to time, as a vacancy may occur; and said corporation shall not consist of less than twelve members nor more than fifteen members at any one time.

Membership
of corporation.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1906.

AN ACT RELATIVE TO PETITIONS FOR THE ABATEMENT OF TAXES. *Chap. 349*

Be it enacted, etc., as follows:

SECTION 1. Section sixty-seven of chapter fourteen of the Revised Laws is hereby amended by adding at the end thereof the following:— In case said tax or excise has heretofore been exacted or is hereafter exacted in consequence of any law or statute of any other state of the United States, then the application above provided for may be made at any time within six years after the exaction of said tax or excise or any portion thereof, — so as to read as follows:— *Section 67.* Any corporation or association aggrieved by the exaction of said tax or excise or of any portion thereof may, within six months after the payment of the same, whether such payment be after or before the issue of the warrant mentioned in the preceding section, apply by petition to the supreme judicial court, setting forth the amount of the tax or excise and costs thereon so paid, the general legal grounds and the specific grounds in fact, if any, upon which it is claimed such tax or excise should not have been exacted. Said petition shall be the exclusive remedy and shall be entered and heard in the county of Suffolk. A copy of the same shall be served upon the treasurer and receiver general and upon the attorney-general. The proceedings upon such petition shall conform, as nearly as may be, to proceedings in equity, and an abatement shall be made of only such portion of the tax or excise as was assessed without authority of law. In case said tax or excise has heretofore been exacted or is

R. L. 14, § 67,
amended.

Validity of
tax may be
determined
by supreme
judicial court,
etc.

hereafter exacted in consequence of any law or statute of any other state of the United States, then the application above provided for may be made at any time within six years after the exaction of said tax or excise or any portion thereof.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1906.

Chap. 350 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON FISHERIES AND GAME.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the eleven months ending on the thirtieth day of November, nineteen hundred and six, to wit: —

Commissioners on fisheries and game.

For the compensation of the commissioners on fisheries and game, a sum not exceeding fifty-one hundred sixty dollars and eighty-three cents.

Expenses.

For travelling and other necessary expenses of the commissioners on fisheries and game, including the printing and binding of the annual report, a sum not exceeding twenty-five hundred twenty dollars and eighty-four cents.

Clerical services.

For clerical services in the office of the commissioners on fisheries and game, a sum not exceeding eight hundred ninety-three dollars and seventy-five cents.

Enforcement of laws, etc.

For the enforcement of the laws relating to fisheries and game and the propagation and distribution of fish, birds and other animals, for running expenses, and for rent and maintenance of hatcheries, a sum not exceeding thirty-one thousand eight hundred seventeen dollars and fifty cents.

Stocking great ponds.

For the expense of stocking great ponds with food fish, a sum not exceeding four hundred fifty-eight dollars and thirty-three cents.

Stocking brooks.

For the expense of stocking brooks with food fish, a sum not exceeding one hundred dollars.

Propagation of oysters.

For the expenses of an investigation as to the propagation of oysters, a sum not exceeding five hundred dollars.

Quahaugs.

For the expenses of an investigation as to the propagation of quahaugs, a sum not exceeding five hundred dollars.

For the expenses of a survey of an area available for the propagation of clams, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1906.

AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE POLICE COURT OF WILLIAMSTOWN. *Chap.351*

Be it enacted, etc., as follows:

SECTION 1. There shall be appointed by the governor, with the advice and consent of the council, a clerk of the police court of Williamstown, whose salary shall be three fifths of the salary of the justice thereof, and who shall perform the services and have the powers now prescribed by law in the case of clerks of like courts in this Commonwealth.

Office of clerk of police court of Williamstown established, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1906.

AN ACT RELATIVE TO THE CLASS OF EPILEPTICS ELIGIBLE FOR ADMISSION TO THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS. *Chap.352*

Be it enacted, etc., as follows:

SECTION 1. Section sixty-six of chapter eighty-seven of the Revised Laws is hereby amended by striking out the words "an idiot", in the second line, so as to read as follows: — *Section 66.* A person of the age of fourteen years or over who is subject to epilepsy, if he is not a criminal, inebriate or violently insane, may be received for care and treatment in the Massachusetts hospital for epileptics by the trustees thereof or may, if insane, be committed thereto. The state board of insanity may also transfer to said hospital any such epileptic who has been committed to an insane hospital, or if it has reason to believe that he is deprived of proper care and treatment, may cause any such epileptic confined in an almshouse or other place at the public charge or otherwise to be transferred or committed thereto.

R. L. 87, § 66, amended.

Commitment of epileptics.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1906.

Chap. 353 AN ACT TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO MAKE RULES AND REGULATIONS CONCERNING THE USE AND OPERATION OF AUTOMOBILES AND MOTOR CYCLES.

Be it enacted, etc., as follows:

The Massachusetts highway commission may make rules, etc., governing the use of automobiles, etc.

SECTION 1. The Massachusetts highway commission may from time to time prepare rules and regulations governing the use and operation of automobiles and motor cycles. Such rules and regulations shall be in addition to any rules and regulations already written in the certificates and licenses issued by said commission under authority of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three and of acts in amendment thereof. Said commission may from time to time alter, rescind, or add to any rules and regulations previously made by it.

Rules, etc., to be subject to approval of the governor.

SECTION 2. The rules and regulations specified in section one, and any changes therein, shall take effect when approved by the governor and council, and published in at least one newspaper printed and published in each county of the Commonwealth, and such publication shall be sufficient notice to all persons. The sworn certificate of any member of said commission or of its secretary that said rules and regulations have been published as herein provided shall be prima facie evidence thereof. A copy of such rules and regulations attested by any member of the commission or by its secretary shall be prima facie evidence that they have been made by the commission and approved by the governor and council as provided by law.

Penalty.

SECTION 3. Any person convicted of operating an automobile or motor cycle in violation of any rule or regulation made under authority of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, not exceeding fifty dollars for a second offence and not exceeding one hundred dollars for subsequent offences.

Certain powers of the metropolitan park commission not affected.

SECTION 4. This act shall not be construed as giving the Massachusetts highway commission power to regulate the speeds at which motor vehicles may be operated on the public ways, or to affect the statutory authority of the metropolitan park commission or of the park commission of any city or town to make rules and regulations governing the use of automobiles and motor cycles on lands, roadways and parkways under its care and control.

Approved May 3, 1906.

AN ACT RELATIVE TO THE AMERICAN COLLEGE FOR GIRLS AT CONSTANTINOPLE IN TURKEY. *Chap. 354*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter thirty-one of the acts of the year eighteen hundred and ninety is hereby amended by striking out the last sentence thereof, so as to read as follows: — *Section 1.* Sarah L. Bowker, Pauline A. Durant, J. Augusta Smith, Caroline Borden, their associates and successors, are hereby constituted a body corporate by the name of The American College for Girls at Constantinople in Turkey, with power to maintain an institution for the education of girls; and they and their successors, and such persons as shall be duly elected members of such corporation, shall be and remain a body corporate by that name forever; and for the orderly conducting of the business of said corporation, the members of said corporation shall have the power and authority, from time to time, to elect a president, vice-president, secretary and treasurer, a board of trustees, and such other officers of said corporation as may be found necessary, to declare the duties and tenures of their respective offices, and also from time to time to elect new members of the said corporation.

1890, 81, § 1,
amended.

The American
College for
Girls at
Constantinople
in Turkey
incorporated.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1906.

AN ACT TO ESTABLISH THE SALARIES OF THE OFFICERS IN ATTENDANCE AT THE CIVIL SESSIONS OF THE MUNICIPAL COURT OF THE CITY OF BOSTON, AND TO MAKE ALLOWANCE FOR THEIR UNIFORMS. *Chap. 355*

Be it enacted, etc., as follows:

SECTION 1. The court officers in attendance at the sessions of the municipal court for civil business in the city of Boston shall each receive an annual salary of fifteen hundred dollars, to be paid from the treasury of the county of Suffolk in monthly instalments, in full for all services performed by them.

Salaries of
certain officers
of the munic-
ipal court
of Boston
established.

SECTION 2. Section one of chapter three hundred and sixty-eight of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "of", at the end of the second line, the words: — civil and, —

1902, 368, § 1,
amended.

Officers to wear uniforms.

so as to read as follows: — *Section 1.* The officers in attendance at the municipal court of the city of Boston for the transaction of civil and criminal business shall, while on duty in said court, wear uniforms to be designated by the justices of said court, and for such uniforms shall be allowed and paid by the county of Suffolk the sum of one hundred dollars each annually in addition to their salaries as such officers.

Repeal.

SECTION 3. So much of section sixty-seven of chapter one hundred and sixty of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1906.

Chap. 356 AN ACT RELATIVE TO THE DISCHARGE OF SAWDUST INTO STREAMS.

Be it enacted, etc., as follows:

R. L. 91, § 8, amended.

SECTION 1. Section eight of chapter ninety-one of the Revised Laws is hereby amended by striking out the word "shall", in the fifth line, and inserting in place thereof the word: — may, — by inserting after the word "time", in the ninth line, the following: — Before any such order is made said commissioners shall, after reasonable notice to all parties in interest, give a public hearing in the county where the sawmill to be affected by the order is located, at which hearing any citizen shall have a right to be heard on the questions to be determined by the commissioners. Upon petition of any party aggrieved by such order, filed within six months after the date thereof, the superior court, sitting in equity, may, after such notice as it shall deem sufficient, hear all interested parties and annul, alter or affirm said order, — and by inserting after the word "commissioners", in the twelfth line, the words: — or of said court, if an appeal is taken, — so as to read as follows: — *Section 8.* If the commissioners determine that the fish of any brook or stream in this Commonwealth are of sufficient value to warrant the prohibition or regulation of the discharge therein of sawdust from sawmills, and that the discharge of sawdust from any particular sawmill materially injures such fish, they may, by an order in writing to the owner or tenant of such sawmill, prohibit or regulate the discharge of sawdust therefrom into such brook or stream. Such order may be revoked or modified

Discharge of sawdust into streams.

by them at any time. Before any such order is made said commissioners shall, after reasonable notice to all parties in interest, give a public hearing in the county where the sawmill to be affected by the order is located, at which hearing any citizen shall have a right to be heard on the questions to be determined by the commissioners. Upon petition of any party aggrieved by such order, filed within six months after the date thereof, the superior court, sitting in equity, may, after such notice as it shall deem sufficient, hear all interested parties and annul, alter or affirm said order. Whoever, having been so notified, discharges sawdust or suffers or permits it to be discharged from a sawmill under his control into a brook or stream in violation of the order of said commissioners, or of said court, if an appeal is taken, shall be punished by a fine of not more than twenty-five dollars.

SECTION 2. Any person aggrieved by an order made by the commissioners on fisheries and game relative to the discharge of sawdust into streams, under the provisions of section eight of said chapter ninety-one, and in force at the date of the passage of this act, shall be entitled, upon application to the commissioners on fisheries and game, to a public hearing and petition to the superior court, as provided in section one hereof.

Hearing to be given.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1906.

AN ACT TO ABOLISH THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF WINCHESTER. *Chap. 357*

Be it enacted, etc., as follows:

SECTION 1. The board of sewer commissioners of the town of Winchester is hereby abolished and the powers and duties now pertaining to that board shall hereafter pertain to the water board of said town, which shall be called the water and sewer board.

Board of sewer commissioners of the town of Winchester abolished.

SECTION 2. No contracts, rights, liabilities, takings, assessments, suits, or other matters now existing or pending shall be affected by this act, but said water and sewer board shall in all respects and for all purposes be the lawful successors of said board of sewer commissioners.

Contracts, etc., not affected.

SECTION 3. This act shall take effect upon its acceptance by the voters of said town voting thereon at a legal meeting called for the purpose.

When to take effect.

Approved May 4, 1906.

Chap.358 AN ACT TO AUTHORIZE THE TOWN OF SCITUATE TO REFUND A PART OF ITS INDEBTEDNESS AND TO ISSUE BONDS THEREFOR.

Be it enacted, etc., as follows:

The town of Scituate may refund its indebtedness.

SECTION 1. The town of Scituate, for the purpose of refunding its indebtedness contracted under chapter sixty-five of the acts of the year eighteen hundred and sixty-seven, in order to aid in the construction of the South Shore, Duxbury and Cohasset railroad, and also for the purpose of refunding certain indebtedness contracted for the construction of schoolhouses and highways and for other purposes, is hereby authorized to borrow money to an amount not exceeding ninety-four thousand two hundred dollars, and to issue therefor notes or bonds. Such notes or bonds shall be payable not later than the first day of July in the year nineteen hundred and twenty-six, and the town shall provide for the payment thereof in such annual proportionate payments as will extinguish the indebtedness within the said period.

R. L. 27 to apply.

SECTION 2. Except as otherwise provided herein, the said town shall be subject, in the manner of incurring the indebtedness hereby authorized, in issuing securities therefor and in providing for payment thereof, to the provisions of chapter twenty-seven of the Revised Laws and of all acts in amendment thereof or in addition thereto.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1906.

Chap.359 AN ACT RELATIVE TO A SEWERAGE SYSTEM IN THE TOWN OF LEXINGTON.

Be it enacted, etc., as follows:

Plan of proposed system of sewerage for the town of Lexington.

SECTION 1. The town of Lexington, in establishing a system of sewerage, pursuant to the provisions of chapter five hundred and four of the acts of the year eighteen hundred and ninety-seven as hereby amended, shall construct initially sewers in such streets, ways and places, agreeably to the general scheme of sewage disposal appearing on the lithographed plan entitled "Plan showing proposed system of sewers for the town of Lexington, Mass., designed by McClintock & Woodfall, Civil Engineers", dated 1897, and for such distances as the sewer commissioners shall determine. Said sewers may have under-drains along such portions of them as the commissioners shall determine.

SECTION 2. Upon the completion of such original installation of sewers, including the under-drains, the sewer commissioners shall determine the cost of the finished work, including therein a sum estimated by them to be the aggregate amount which the town will have to pay in connection with said installation by way of land and property damages. Of the total of such cost seventy-five per cent shall be assessed upon and paid by the respective owners of the lands (within the limits of depth below provided) abutting on the streets and ways, public or private, in which the sewers shall have been constructed, the tax to be assessed in accordance with the provisions hereinafter contained, the same being hereby adopted for the purpose of distributing the burden of the tax among the abutters proportionately, as nearly as may be, to the benefits to be received by them respectively. No land shall be subject to this local tax or assessment if situated so that a building thereon constructed in any ordinary or reasonable manner could not be drained from the floor next above the basement or cellar into the sewer; but all other abutting lands shall be deemed to be benefited, and shall, except in the case of lands owned by the town itself, be subject to the tax; and the same rule as to benefits shall apply in cases of sewer extensions, which are provided for in section four of this act. No private or particular drain or sewer from a building situated on land not already assessed or not at the time liable to assessment as herein provided shall be entered into a public sewer, except upon the payment of such an assessment or charge as the commissioners shall determine.

Cost to be determined by the sewer commissioners, etc.

Private drains not to be entered into a public sewer, except, etc.

SECTION 3. In the case of each abutting estate said assessment shall be laid upon the owner's whole lot or tract if the same nowhere extends back from the side line of the street or way more than one hundred feet; otherwise upon so much of the lot or tract as lies between such side line and a line drawn parallel with and one hundred feet back therefrom. The sewer commissioners shall ascertain the total area of all the lots and strips of land benefited, not including land owned by the town, and compute the aggregate value of them, exclusive of buildings, according to valuations furnished by the assessors of the town for the purpose; and thereupon shall determine approximately the fraction of a cent per square foot which, if paid on said total area, would produce substantially two thirds of

Assessment of betterments.

the above mentioned seventy-five per cent of total cost, and determine approximately also the rate per one thousand dollars valuation which, if paid on said aggregate value, would produce substantially one third of said seventy-five per cent of total cost. The rates so determined shall be paid on the area and assessed value respectively of each lot or strip of land subject as aforesaid to this local tax. In the case of corner lots and lots abutting on more than one sewered street, no part thereof shall be assessed more than once whether on the basis of area or of valuation.

Owners of
abutting land
to pay an
assessment
in certain
cases, etc.

SECTION 4. In cases of extensions, that is to say, of sewers built not as a part of said original installation, each owner of abutting land benefited thereby shall pay a tax or assessment made up of two elements, one based on the area, and the other on the assessed value, of the land, the tax to be laid within the same limits as to space and at the same rates per square foot and per one thousand dollars valuation, respectively, as those hereinbefore provided in respect to the lands which contribute toward the cost of said original installation of sewers.

Plan to be
filed with
assessors.

SECTION 5. Upon the completion of the original installation, the sewer commissioners shall file with the assessors of the town a plan showing the streets or ways in which the sewers are constructed, and the several abutting lots and strips of land which said commissioners, applying the provisions of this act, adjudge to be benefited and liable to said sewer tax, every such lot or strip to be shown with its area in square feet and marked also with the name of the supposed owner or owners thereof. And from time to time, as sewer extensions are made, said commissioners shall file with the assessors additional maps showing with respect to the new sewers and abutting lands the same information as that called for by the maps to be filed in accordance with the foregoing provisions of this section. Upon receipt of every such plan the assessors shall proceed to estimate, in like manner as in assessing ordinary taxes, the just value of each abutting lot or strip of land shown on the plan, taking into account in the making of their estimate the fact that a sewer is constructed in the street or way on which the land abuts; and having made said estimates the assessors shall certify the same to the sewer commissioners. The estimates so received from the assessors shall be taken to be the valuations or assessed values referred to in sections three and four of this act.

Assessors
to estimate
values.

Said estimates shall be of the value of the land, exclusive of any buildings thereon.

SECTION 6. Every sewer tax assessed by the commissioners shall be recorded in books to be kept by them for that purpose. They shall also make a list of such assessments and publish the same by posting copies of the list in at least two public places in the town, at the same time furnishing an additional copy to the town treasurer. Such publication of the list shall be a sufficient demand upon the respective land owners for the payment of the tax, but the commissioners shall, in addition thereto, cause a demand or bill to be sent to each supposed owner at his last address known to the commissioners. Every land owner shall, within three months after the publication of such list, pay the amount of the tax assessed in respect of his land as aforesaid to the town treasurer, with interest thereon at the rate of five per cent per annum from the time of the posting of such list: *provided, however*, that the sewer commissioners, on written request from any owner made within said three months shall apportion his tax into such number of equal parts, not exceeding ten, as he may specify in the request, one of such parts with interest thereon at said rate to be payable in each succeeding calendar year on such day as the commissioners, when making the apportionment, shall determine; and *provided, further*, that if in any particular case a tax assessed in accordance with the provisions of this act shall in the opinion of said commissioners be in excess of the special benefit derived by the land concerned, they shall, on the owner's written request within said three months, abate the amount of said excess. Nothing herein however shall be construed as preventing an owner or any party in interest from paying at any time, notwithstanding its prior apportionment, the whole balance of a given tax, including interest computed to the date of such payment.

Records to be kept, etc.

Publication of list of assessments.

Proviso.

SECTION 7. Every such sewer tax shall constitute a lien on the land affected thereby, the same to continue for two years after the publication of the list wherein the tax appears, and in case of apportionment, until the expiration of two years from the time when the last instalment becomes payable: *provided*, that in any case where the amount or validity of the tax is drawn in question by any suit or proceeding, the lien shall continue for one year after the final determination thereof.

Sewer tax to be a lien on land.

Proviso.

Collection of
sewer taxes.

SECTION 8. The sewer commissioners shall annually, not later than the first day of April, commit to the collector of taxes of said town, for collection, all sewer taxes which became payable within the next preceding calendar year and remain at the time of such commitment unpaid, including instalments in default; and if any such tax or instalment shall not be paid to such collector within ten days after his demand therefor, he shall levy the same with incidental costs and expenses by sale of the land on which the tax constitutes a lien. Such sale and all proceedings connected therewith shall be conducted in such manner as may be provided by law with respect to sales of land for non-payment of town taxes; and the collector shall have in the premises all the powers and privileges conferred by the law upon collectors of taxes relating to sales made for that purpose. Land so sold hereunder may be redeemed in like manner and subject to the same provisions of law as if sold for the non-payment of taxes. Such sewer taxes or instalments thereof may also be collected by an action of contract brought by the collector against the owner liable therefor.

Invalid tax
may be
reassessed.

SECTION 9. Any tax assessed by the sewer commissioners which is invalid by reason of any error or irregularity in the assessment, which has not been paid, or which has been recovered back, or which has been enforced by an invalid sale, may be re-assessed by the sewer commissioners for the time being in the just amount in which and upon the land on which such tax ought at first to have been assessed, and the tax so re-assessed shall constitute a lien on the land as aforesaid and shall be payable and collectible in like manner as above provided.

Petition may
be filed for
revision, etc.

SECTION 10. Any person aggrieved by the tax assessed by the commissioners may, at any time within three months after the publication of the list wherein the tax appears, file a petition in the superior court for the county of Middlesex for a jury to revise the amount of the tax; but before filing his petition he shall give written notice to the sewer commissioners of his intention so to do, and shall therein particularly specify his objections to the tax, to which specification he shall be confined in the trial.

1897, 504, § 9,
amended.

SECTION 11. Section nine of said chapter five hundred and four is hereby amended by striking out the words "one hundred and sixty thousand dollars", in the fourth line, and inserting in place thereof the words: — two hundred

thousand dollars, — and by adding at the end of said section the words: — In issuing such bonds, notes or scrip, or any series or instalment thereof, the town may reserve to itself the right to call and redeem the same or any of them before maturity on such terms as to notice and otherwise as may be prescribed therein.

Town to reserve right to redeem bonds, etc., before maturity.

SECTION 12. Sections six, seven and eight of said chapter five hundred and four, chapter four hundred and fifty-one of the acts of the year eighteen hundred and ninety-nine, and chapter one hundred and ninety-five of the acts of the year nineteen hundred and one are hereby repealed.

Repeal.

SECTION 13. This act shall take effect upon its passage.

Approved May 7, 1906.

AN ACT TO PROVIDE FOR THE PROTECTION OF THE PUBLIC HEALTH IN THE VALLEY OF THE NEPONSET RIVER.

Chap. 360

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter five hundred and forty-one of the acts of the year nineteen hundred and two is hereby amended by striking out all after the word "nuisance", in the sixth line, so as to read as follows: — *Section 1.* The state board of health is hereby authorized and directed to prohibit the entrance or discharge of sewage into any part of the Neponset river or its tributaries, and to prevent the entrance or discharge therein of every other substance which may be injurious to public health or may tend to create a public nuisance.

1902, 541, § 1, amended.

Pollution of Neponset river, etc., prohibited.

SECTION 2. Section two of said chapter five hundred and forty-one is hereby amended by striking out the words "any such owner", in the second line, and inserting in place thereof the words: — the owner of any factory or other establishment, — by striking out the word "such", in the fourth line, and inserting in place thereof the word: — the, — by inserting after the word "refuse", in the same line, the word: — therefrom, — and by striking out all after the word "harmless", in the fourth line, so as to read as follows: — *Section 2.* The board shall consult and advise with the owner of any factory or other establishment at his request or of its own motion as to the best practicable and reasonably available means of rendering the waste or refuse therefrom harmless.

1902, 541, § 2, amended.

State board of health may consult, etc., with owners of factories, etc.

SECTION 3. Section three of said chapter five hundred and forty-one is hereby amended by striking out the words

1902, 541, § 3, amended.

Enforcement
of provisions.

“or of any other party in interest”, at the end of said section, so as to read as follows:— *Section 3.* The supreme judicial court or any justice thereof and the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and any order made by the state board of health in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health.

1902, 541,
further
amended.

Penalty for
creating a
nuisance.

SECTION 4. Said chapter five hundred and forty-one is hereby further amended by inserting the following new section:— *Section 4.* Whoever permits the entrance or discharge into any part of the Neponset river or its tributaries of sewage or of any other substance injurious to public health or tending to create a public nuisance shall be punished by a fine not exceeding five hundred dollars for each offence.

Approved May 7, 1906.

Chap.361 AN ACT TO AUTHORIZE THE TOWN OF HOLDEN TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Holden Water
Loan, 1906.

SECTION 1. The town of Holden, for the purpose of extending and completing its system of water works, may issue notes or bonds from time to time to an amount not exceeding three thousand dollars in addition to its indebtedness already authorized for water purposes. Such notes or bonds shall bear on their face the words, Holden Water Loan, 1906, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall be issued upon the conditions and in the manner set forth in chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

Approved May 7, 1906.

Chap.362 AN ACT RELATIVE TO THE BOARD OF ALDERMEN OF THE CITY
OF FALL RIVER.

Be it enacted, etc., as follows:

1902, 898, § 17,
amended.

Section seventeen of chapter three hundred and ninety-three of the acts of the year nineteen hundred and two is hereby amended by inserting after the word “position”, in the third line, the words:— except that of mayor,—

so as to read as follows: — *Section 17.* No member of the board of aldermen shall, during the term for which he is elected, hold any other office or position, except that of mayor, the salary or compensation for which is payable from the city treasury. *Approved May 7, 1906.*

Aldermen not to hold other office, except, etc.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF LANCASTER AND LEOMINSTER. *Chap. 363*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Lancaster and Leominster: — Beginning at the present corner of the towns of Lancaster, Leominster and Lunenburg, at a slatestone monument, in latitude forty-two degrees, thirty-two minutes, two and twenty-one hundredths seconds, and longitude seventy-one degrees, forty-two minutes, nine and seventy-nine hundredths seconds; thence south thirty degrees, fifty-one minutes west, true bearing, fifty-three hundred and thirty-four feet to a point on the southwesterly side of Harvard street about four hundred feet southeasterly from the southeasterly abutment of the railroad bridge near the house of Alden Derby, in latitude forty-two degrees, thirty-one minutes, sixteen and ninety-seven hundredths seconds, and longitude seventy-one degrees, forty-two minutes, forty-six and thirty-two hundredths seconds; thence south fifty-three degrees, forty-eight minutes west, true bearing, fourteen hundred and fifty-six feet to a granite monument, in the present line between Lancaster and Leominster, standing on the westerly side of White street about seven hundred feet southerly from its intersection with Mechanic street, and in latitude forty-two degrees, thirty-one minutes, eight and forty-eight hundredths seconds, and longitude seventy-one degrees, forty-three minutes, two seconds; thence south eleven degrees, nine minutes west, true bearing, sixteen thousand two hundred and eighty-three feet along the present boundary between the two towns to a monument at the corner of the towns of Lancaster, Leominster and Sterling, in latitude forty-two degrees, twenty-eight minutes, thirty and sixty-six hundredths seconds, and longitude seventy-one degrees, forty-three minutes, forty-three and ninety-nine hundredths seconds.

Boundary line between Lancaster and Leominster established.

SECTION 2. This act shall take effect upon its passage.

Approved May 7, 1906.

Chap. 364 AN ACT TO PROVIDE FOR BETTER ACCOMMODATIONS FOR THE
ESSEX COUNTY TRAINING SCHOOL AT LAWRENCE.

Be it enacted, etc., as follows:

Alterations
and additions
to the building
of the Essex
County Train-
ing School
at Lawrence.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed to make such alterations in and additions to the buildings of the Essex County Training School at Lawrence, and to erect such additional buildings, as may be required to provide necessary and suitable accommodations at said school; and for said purposes they may expend a sum not exceeding fifty thousand dollars, but no part of said sum shall be used for current expenses of maintenance or repair upon buildings now existing at said school.

Contracts, etc.

SECTION 2. The contract for such alterations, additions and additional buildings shall be awarded to the lowest bidder, who shall furnish a bond in a penal sum of not less than forty per cent of the amount of his bid, for the faithful completion of his contract at the amount of his bid. The county commissioners shall advertise for sealed bids, and they shall furnish without discrimination to all persons making application therefor complete plans and specifications, and all bids shall be opened in public after due notice to all parties in interest and public advertisement thereof. No obligations shall be incurred under this act in excess of fifty thousand dollars.

Money may be
borrowed on
the credit of
the county.

SECTION 3. To meet the expenses incurred under this act the said commissioners may borrow from time to time, upon the credit of the county, a sum not exceeding fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved May 7, 1906.

Chap. 365 AN ACT TO REVISE THE LAWS RELATIVE TO THE ESTABLISH-
MENT AND MAINTENANCE OF PEST HOUSES BY CITIES AND
TOWNS.

Be it enacted, etc., as follows:

B. L., 75, §§ 35-
42, amended.

SECTION 1. Chapter seventy-five of the Revised Laws is hereby amended by striking out sections thirty-five to forty-two, both inclusive, and inserting in place thereof the following: — *Section 35.* A town may establish hospitals within its limits for the treatment of diseases which

Hospital for
contagious
diseases.

are dangerous to the public health. Such hospitals shall be subject to the orders and regulations of the board of health. *Section 36.* If a disease which is dangerous to the public health breaks out in a town, or if a person is infected or lately has been infected with any such disease, the board of health shall immediately provide such hospital or place of reception, and such nurses and other assistance and necessities, as is judged best for his accommodation and for the safety of the inhabitants, and the same shall be subject to the regulations of the board. The board may cause any sick or infected person to be removed to such hospital or place, if it can be done without danger to his health; otherwise the house or place in which he remains shall be considered as a hospital, and all persons residing in or in any way connected therewith shall be subject to the regulations of the said board, and, if necessary, persons in the neighborhood may be removed. *Section 37.* Each city shall establish and constantly be provided, within its limits, with one or more isolation hospitals for the reception of persons having smallpox or any other disease dangerous to the public health. Such hospitals shall be subject to the orders and regulations of the boards of health of the cities in which they are respectively situated. A city which, upon request of the state board of health, refuses or neglects to comply with the provisions of this section, shall forfeit not more than five hundred dollars for each refusal or neglect: *provided, however,* that if, in the opinion of the boards of health of two or more adjoining cities or towns, such hospitals can advantageously be established and maintained in common, the authorities of the said cities or towns may enter into such agreements as may be necessary for the establishment and maintenance of the same. *Section 38.* The physician, nurses, attendants, patients and all persons approaching or coming within the limits of such hospitals, and all furniture and other articles used or brought there, shall be subject to the regulations of the local board of health. *Section 39.* Such hospitals shall not be established within one hundred rods of an inhabited dwelling house situated in an adjoining city or town without the consent of the board of health of such city or town. *Section 40.* Whoever occupies or uses a building for a hospital in a part of a city or town prohibited by the mayor and aldermen or selectmen shall forfeit not more than fifty dollars for

Duties of
boards of
health.

Isolation
hospital for
treatment of
smallpox, etc.,
cases.

Proviso.

Physicians,
nurses, etc.,
to be subject
to regulations.

Location of
hospitals.

Penalty for
unlawful use.

Treatment of
certain other
diseases.

Inmates not
to be dis-
criminated
against.

R. L. 75, § 46,
amended.

Warrant may
issue for
removal of
persons in-
fected with
certain
diseases.

R. L. 75, § 56,
amended.

Certain
provisions of
law not to
apply, except,
etc.

1902, 206, § 1,
amended.

every month during which such offence continues, and in like proportion for a portion of the month. The supreme judicial court or the superior court shall have jurisdiction in equity to restrain such occupancy or use. *Section 41.* Each city shall provide for the treatment, either in a hospital or as out-patients, of indigent persons who are suffering from contagious or infectious venereal diseases. *Section 42.* No discrimination shall be made against the treatment of venereal diseases in the out-patient department of any general hospital supported by taxation in any city in which special hospitals, other than hospitals connected with penal institutions, are not provided for the treatment of such diseases at public expense; but any such hospital may establish a separate ward for their treatment.

SECTION 2. Said chapter seventy-five is hereby further amended by striking out section forty-six, as amended by section two of chapter two hundred and six of the acts of the year nineteen hundred and two, and inserting in place thereof the following: — *Section 46.* A magistrate authorized to issue warrants in criminal cases may issue a warrant directed to the sheriff of the county or his deputy, or to any constable or police officer, requiring him, under the direction of the board of health, to remove any person who is infected with contagious disease, or to impress and take up convenient houses, lodging, nurses, attendants and other necessities. The removal authorized by this section may be made to any hospital in an adjoining city or town established for the reception of persons having smallpox or other disease dangerous to the public health, provided the assent of the board of health of the city or town to which such removal is to be made shall first have been obtained.

SECTION 3. Said chapter seventy-five is hereby further amended by striking out section fifty-six and inserting in place thereof the following: — *Section 56.* The provisions of sections thirty-six and forty-six, so far as they confer authority for the removal of patients from their homes, shall apply only in the case of persons residing in boarding houses or hotels, or in the case of two or more families occupying the same dwelling, or in other cases in which, in the opinion of the board, the case cannot properly be isolated.

SECTION 4. Section one of chapter two hundred and six of the acts of the year nineteen hundred and two is hereby amended by striking out all after the word

"diseases", in the seventh line, so as to read as follows: —

Section 1. The board of health of any city or town which has established or which may hereafter establish within its limits a hospital for the reception of persons having small-pox or any other disease dangerous to the public health, may receive for care and treatment in such hospital persons from an adjoining town who are infected with any of said diseases.

Cities and towns may receive persons from adjoining towns.

SECTION 5. This act shall take effect upon its passage.

Approved May 8, 1906.

AN ACT TO AUTHORIZE THE DISSOLUTION OF THE CORPORATION KNOWN AS THE TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN NANTUCKET, AND A CONVEYANCE OF ITS PROPERTY TO THE BOARD OF TRUSTEES OF THE METHODIST EPISCOPAL CHURCH IN NANTUCKET.

Chap. 366

Be it enacted, etc., as follows:

SECTION 1. The Trustees of the Methodist Episcopal Church in Nantucket, a religious corporation located in Nantucket, and incorporated by an act approved January sixteenth in the year eighteen hundred and twenty-three, is hereby authorized to convey to the Board of Trustees of the Methodist Episcopal Church in Nantucket, a religious corporation located in Nantucket, and organized on June twenty-sixth, nineteen hundred and five, under the general laws, all the real estate and other property now held by the first named corporation, by a deed of conveyance authorized by a three fourths vote of the members of said corporation present and voting at a meeting duly called for that purpose. Such conveyance to be valid shall be approved by a majority vote of the members of the Quarterly Conference of the Methodist Episcopal Church in Nantucket present and voting at a conference held within three months after the passage of this act, and shall be accepted by a three fourths vote of the members of the Board of Trustees of the Methodist Episcopal Church in Nantucket at a meeting thereof, authorizing its acceptance in writing in behalf of the corporation, upon the conditions set forth in this act. Upon the execution of such conveyance and the recording thereof in the registry of deeds for the county of Nantucket, the said corporation of The Trustees of the Methodist Episcopal Church in Nantucket shall thereby be dissolved, and all its real estate and personal

The Trustees of the Methodist Episcopal Church in Nantucket may convey its property, etc.

Dissolution of corporation.

property shall be vested in the Board of Trustees of the Methodist Episcopal Church in Nantucket, and said last named corporation shall thereby assume all the liabilities and obligations of The Trustees of the Methodist Episcopal Church in Nantucket.

Damages.

SECTION 2. Any person aggrieved by the provisions of this act may at any time within six months after the conveyance aforesaid has been recorded apply by petition to the superior court for the county of Nantucket to have his damages determined by a jury therein, or by or under the direction of said court; and all damages so awarded, with the statutory costs of suit attending such award, shall be paid by the Board of Trustees of the Methodist Episcopal Church in Nantucket.

SECTION 3. This act shall take effect upon its passage.

Approved May 8, 1906.

Chap. 367 AN ACT TO PROVIDE FOR AN ADDITIONAL METROPOLITAN WATER LOAN.

Be it enacted, etc., as follows:

Additional
metropolitan
water loan.

SECTION 1. The treasurer and receiver general shall from time to time, upon the request of the metropolitan water and sewerage board, issue negotiable bonds in the name and behalf of the Commonwealth and under its seal, designated on the face thereof, Metropolitan Water Loan, to an amount not exceeding five hundred thousand dollars in addition to the forty million dollars authorized to be issued under the provisions of section seventeen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and of chapter four hundred and fifty-three of the acts of the year nineteen hundred and one; and the provisions of said chapter four hundred and eighty-eight and of acts in amendment thereof and in addition thereto shall apply to this additional loan to the same extent as if the amount authorized by said act had been forty million five hundred thousand dollars instead of twenty-seven million dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1906.

AN ACT RELATIVE TO THE TRANSFER OF THE CARE AND CONTROL OF THE CHARLES RIVER DAM AND BASIN TO THE METROPOLITAN PARK COMMISSION. *Chap. 368*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three is hereby amended by striking out the last sentence thereof, so as to read as follows:—*Section 3.* The commission shall construct across Charles river between the cities of Boston and Cambridge, a dam, at least sufficiently high to hold back all tides and to maintain in the basin above the dam a substantially permanent water level not less than eight feet above Boston base. The dam shall occupy substantially the site of the present Craigie bridge, which shall be removed by the commission. The dam shall be not less than one hundred feet in width at said water level and a part thereof shall be a highway and the remainder shall be a highway, or a park or parkway, as the commission shall determine. The dam shall be furnished with a lock not less than three hundred and fifty feet in length between the gates, forty feet in width and thirteen feet in depth below Boston base, and shall be built with a suitable drawbridge or drawbridges, wasteways and other appliances.

1908, 465, § 3,
amended.

Dam to be
constructed
across
Charles river.

SECTION 2. Section seven of said chapter four hundred and sixty-five is hereby amended by inserting after the word "exclusive", in the fourth line, the words:—care and,—by inserting after the word "lock", in the fifth line, the words:—and of any highway, park or parkway, drawbridge or drawbridges, constructed in connection therewith,—by inserting after the word "lock", in the ninth line, the words:—highway, park or parkway, drawbridge or drawbridges,—by striking out the words "the part of the dam used as a highway and", in the tenth line, by striking out the word "the", before the word "basin", in the fourteenth line, and inserting in place thereof the word:—said,—by inserting after the word "basin", in the fourteenth line, the words:—dam, lock, highway, park, parkway, drawbridge or drawbridges, breaches of which rules shall be breaches of the peace, punishable as such,—by inserting after the word "lock", in the fifteenth line, the words:—and drawbridge or drawbridges,—and by

1908, 465, § 7,
amended.

adding at the end thereof the words: — Said metropolitan park commission shall also have and exercise over said basin, dam, lock, highway, park, parkway, drawbridge or drawbridges, all other power, duties and liabilities now imposed upon said commission by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof relative to the care, maintenance and control by said commission of open spaces for exercise and recreation so far as the provisions of said acts are consistent with the provisions of this act, — so as to read as follows: —

The metro-
politan park
commission
to have care
of dam, etc.

Section 7. The metropolitan park commission, when the work provided for in the preceding sections is finished, shall, subject to the powers vested by law in the state board of health, have exclusive care and control of the dam and lock and of any highway, park or parkway, drawbridge or drawbridges, constructed in connection therewith and of the basin and river between the dam and the city of Waltham, as a part of the metropolitan parks system, and of all poles, wires and other structures placed or to be placed on, across, over or in any part of said basin, dam or lock, highway, park or parkway, drawbridge or drawbridges, and of the placing thereof, except the bridges and other structures erected by any city or town within its limits and upon its own lands; may make reasonable rules and regulations, not impairing freight traffic, for the care, maintenance, protection and policing of said basin, dam, lock, highway, park, parkway, drawbridge or drawbridges, breaches of which rules shall be breaches of the peace, punishable as such; and throughout the year shall operate the lock and drawbridge or drawbridges without charge, maintain the lock, channels and canals aforesaid at the depths aforesaid, and clear of obstructions caused by natural shoaling or incident to the building of the dam, and maintain the water in the basin at such level and the lock, channels and canals sufficiently clear of obstructions by ice so that any vessel ready to pass through the lock, and requiring no more depth of water than aforesaid, can pass through to the wharves aforesaid. In the event of an emergency, requiring the temporary reduction of such level, notice thereof shall be given to the occupants of said wharves, and such reduction shall not be lower nor continue longer than the emergency requires. Said metropolitan park commission may order the removal of all direct

sewage or factory waste as a common nuisance from the river and its tributaries below the city of Waltham; and no sewer, drain, overflow or other outlet for factory or house drainage shall hereafter be connected with the basin below said city without the approval of the metropolitan park commission. Said metropolitan park commission shall also have and exercise over said basin, dam, lock, highway, park, parkway, drawbridge or drawbridges, all other power, duties and liabilities now imposed upon said commission by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and in amendment thereof relative to the care, maintenance and control by said commission of open spaces for exercise and recreation so far as the provisions of said acts are consistent with the provisions of this act.

SECTION 3. When the work of the Charles river basin commission as provided for in said chapter four hundred and sixty-five is finished, said commission shall certify the fact in writing to the metropolitan park commission, and such certificate or a copy of the same, attested by any member of the metropolitan park commission or by its secretary, shall be prima facie evidence that the exclusive care and control of said dam, lock, highway, park or parkway, drawbridge or drawbridges, are vested in the metropolitan park commission.

When dam is completed the Charles river basin commission to certify the same, etc.

SECTION 4. So much of chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved May 8, 1906.

AN ACT TO ESTABLISH THE BASES FOR DETERMINING THE ANNUAL ASSESSMENTS UPON THE MUNICIPALITIES WITHIN THE METROPOLITAN SEWERAGE DISTRICTS FOR INTEREST AND SINKING FUND REQUIREMENTS AND COST OF MAINTENANCE AND OPERATION.

Chap. 369

Be it enacted, etc., as follows:

SECTION 1. The proportions in which each of the cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, respectively, shall annually pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements for each year, as estimated by the treasurer of

Proportion of expense of the metropolitan sewerage system to be borne by cities and towns, etc.

the Commonwealth, and to meet any deficiency in the amount previously paid in, as found by said treasurer, shall be based upon the respective taxable valuations of the property of said cities and towns, as last established by the general court for the purpose of constituting a basis of apportionment for state and county taxes.

Proportion of payments to be based on population, etc.

SECTION 2. The proportions in which each of the cities and towns belonging in whole or in part to the north metropolitan and south metropolitan sewerage districts, respectively, shall annually pay money into the treasury of the Commonwealth to meet the cost of maintenance and operation of the respective sewerage systems, as estimated by the metropolitan water and sewerage board and certified by the treasurer of the Commonwealth, and to meet any deficiency in the amount previously paid in, as found by said treasurer, shall be based upon the respective populations of said cities and towns as ascertained by the last preceding state or United States census.

Proportion when part of a city or town is included, etc.

SECTION 3. If less than the whole area of any city or town is included in either of said metropolitan sewerage systems, the valuation and population only of that part of the city or town which is included in either of said systems, as determined by the metropolitan water and sewerage board, shall be used as a basis in determining the proportion and amount which it shall pay as its share of interest and sinking fund requirements and of the cost of maintenance and operation of works.

The metropolitan water and sewerage board to fix the proportions, etc.

SECTION 4. The metropolitan water and sewerage board shall annually, in accordance with the provisions of the foregoing sections, determine for each system the proportion in which each of the cities and towns belonging in whole or in part to such system, shall annually pay money into the treasury of the Commonwealth to meet the interest and sinking fund requirements and to meet the cost of maintenance and operation of such system, and shall transmit the determinations of the board to the treasurer of the Commonwealth.

Interest and sinking fund requirements.

SECTION 5. The amount of money required each year from every such city or town to meet the interest and sinking fund requirements and cost aforesaid for that system in which it is included, and the deficiency, if any, shall be estimated by the treasurer of the Commonwealth in accordance with the proportions as determined aforesaid by the metropolitan water and sewerage board, and shall

be included and made a part of the sum charged to such city or town, and shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment of its proportion of the state tax.

SECTION 6. This act shall take effect upon its passage, but shall not modify or affect any decree of the supreme judicial court heretofore made. *Approved May 8, 1906.* Not to affect any decree of the supreme judicial court.

AN ACT RELATIVE TO THE RECOVERY OF DAMAGES IN CASES OF DEATH CAUSED BY ACCIDENTS TO EMPLOYEES. *Chap.370*

Be it enacted, etc., as follows:

SECTION 1. Section seventy-two of chapter one hundred and six of the Revised Laws is hereby amended by adding at the end thereof the words: — and in the same action under a separate count at common law, may recover damages for conscious suffering from the same injury, — so as to read as follows: — *Section 72.* If the injury described in the preceding section results in the death of the employee, and such death is not instantaneous or is preceded by conscious suffering, and if there is any person who would have been entitled to bring an action under the provisions of the following section, the legal representatives of said employee may, in the action brought under the provisions of the preceding section, recover damages for the death in addition to those for the injury; and in the same action under a separate count at common law, may recover damages for conscious suffering resulting from the same injury. R. L. 106, § 72, amended.
Action in case death is not instantaneous.

SECTION 2. This act shall take effect upon its passage. *Approved May 8, 1906.*

AN ACT TO PROVIDE FOR THE TEMPORARY EXCLUSION FROM THE PUBLIC SCHOOLS OF PUPILS WHO HAVE BEEN EXPOSED TO INFECTIOUS OR CONTAGIOUS DISEASE. *Chap.371*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter forty-four of the Revised Laws is hereby amended by striking out the word "or", in the fifth line, by inserting after the word "measles", in the fifth line, the words: — or any other infectious or contagious disease, — by striking out the word "or", in the eighth line, and by striking out all after the word "that", in the tenth line, to and including R. L. 44, § 6, amended.

Vaccination
of children.

Children who
have been
exposed to
a contagious
disease may
be excluded
from a public
school, etc.

the word "that", in the thirteenth line, so as to read as follows:— *Section 6.* A child who has not been vaccinated shall not be admitted to a public school except upon presentation of a certificate signed by a regular practising physician that he is not a fit subject for vaccination. A child who is a member of a household in which a person is ill with smallpox, diphtheria, scarlet fever, measles, or any other infectious or contagious disease, or of a household exposed to such contagion from another household as aforesaid, shall not attend any public school during such illness until the teacher of the school has been furnished with a certificate from the board of health of the city or town, or from the attending physician of such person, stating that danger of conveying such disease by such child has passed.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1906.

Chap.372 AN ACT RELATIVE TO RESTRAINING BY INJUNCTION CORPORATIONS FROM TRANSACTING UNAUTHORIZED BUSINESS.

Be it enacted, etc., as follows:

The supreme
judicial court
may, by injunction,
restrain
corporations
from doing
business not
authorized by
their charter,
etc.

SECTION 1. Upon an information in equity in the name of the attorney-general, at the relation of the commissioner of corporations, the supreme judicial court shall have power to restrain by injunction any corporation from assuming or exercising any franchise or privilege or transacting any kind of business not authorized by the charter of such corporation and the laws of this Commonwealth; and also in the same manner to restrain any foreign corporation from assuming or exercising any corporate rights, privileges or franchises in this Commonwealth until the provisions of sections fifty-eight and sixty of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three and of all acts in amendment thereof have been complied with.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1906.

Chap.373 AN ACT RELATIVE TO THE DISCHARGE OF ENLISTED MEN OF THE MASSACHUSETTS VOLUNTEER MILITIA.

Be it enacted, etc., as follows:

1905, 465, § 87,
amended.

SECTION 1. Section eighty-seven of chapter four hundred and sixty-five of the acts of the year nineteen hun-

dred and five is hereby amended by inserting after the word "apply", in the twentieth line, the word:— directly,— by inserting after the word "organization", in the twenty-first line, the words:— or, in case of unattached companies, to the adjutant general,— and by adding at the end of the section the words:— and, if he so requests, shall be represented by counsel, at his own expense,— so as to read as follows:— *Section 87.* No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander-in-chief, and for the following reasons: upon acceptance of promotion by commission; upon removal of residence from the Commonwealth, or so far from the bounds of the command to which he belongs that he cannot, in the opinion of his commanding officer, properly perform his military duty; upon disability, established by certificate of a medical officer; upon conviction of a felony; when in the opinion of the commander-in-chief the interests of the service require his discharge; to carry out the sentence of a court-martial; or upon application of his company commander, approved by superior commanders: *provided, however,* that whenever the commanding officer of a company shall apply to his superior commander for the discharge of an enlisted man under the last provision of this section, he shall at once notify the enlisted man of such application; and should the enlisted man, within seven days after such notification by his company commander, apply directly to the commanding officer of his organization, or, in case of unattached companies, to the adjutant general, for a hearing upon the application for his discharge, he shall be given a hearing, and, if he so requests, shall be represented by counsel, at his own expense.

Discharge of
enlisted men.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1906.

AN ACT RELATIVE TO THE USE OF SCREENS AND OTHER OBSTRUCTIONS ON PREMISES OF LICENSED INNOLDERS.

Chap. 374

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred of the Revised Laws is hereby amended by striking out section thirty-four and inserting in place thereof the following section:— *Section 34.* The board which grants the license may require a licensee to close permanently all entrances to the licensed

R. L. 100, § 34,
amended.

Entrances
and screens
on licensed
premises
regulated.

premises except those from the public street or streets upon which said premises are situated, and may so specify in the license. In such case, the construction or opening of any such entrance shall of itself make the license void. A licensee holding a license of the first three classes shall not place or maintain or permit to be placed or maintained, in any public room used by him for the sale of spirituous or intoxicating liquors under the provisions of his license, any screen, blind, shutter, curtain, partition, or painted, ground or stained glass window, or any other obstruction, nor expose in any window of said room any bottle, cask or other vessel containing, or purporting to contain, intoxicating liquor, in such a way as to interfere with a view of the business conducted on the premises, and the placing or maintaining of any of said obstructions shall of itself make the license void, except that the board at its discretion may, upon application of a licensed innholder who also holds a license to sell intoxicating liquors, permit screens, curtains, or such other obstructions as it may designate to be placed at the windows of the dining rooms of the hotel maintained by said innholder, and said board shall have the power to revoke such privilege.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1906.

Chap.375 AN ACT TO AUTHORIZE AND DIRECT THE METROPOLITAN PARK COMMISSION TO FURNISH BAND CONCERTS AT PARKS, BEACHES AND RESERVATIONS.

Be it enacted, etc., as follows:

Band
concerts at
certain state
reservations.

SECTION 1. The metropolitan park commission is hereby authorized and directed to provide in the year nineteen hundred and six band concerts at such parks, beaches and reservations within its jurisdiction as it may select, and may expend for this purpose a sum not exceeding fifteen thousand dollars, which shall be included in the annual appropriation for the maintenance of said parks, beaches and reservations.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1906.

AN ACT TO CHANGE AND ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWN OF WAKEFIELD AND THE CITY OF MELROSE. *Chap.376*

Be it enacted, etc., as follows:

SECTION 1. The boundary line between the city of Melrose and the town of Wakefield is hereby changed and established as follows: — By extending the southerly portion of the said boundary line north eighty degrees and seven minutes east, twenty-one feet, more or less, to the centre of Main street, Melrose, as established by the county commissioners; thence northerly along said centre line of said Main street to its intersection with the northerly portion of the boundary line between Melrose and Wakefield extended; thence north seventy-three degrees thirty-seven minutes east, seven feet, more or less, to the present corner post marking the line between Melrose and Wakefield and now standing in the roadway of said Main street.

Boundary line between Melrose and Wakefield established.

SECTION 2. This act shall take effect upon its passage.

Approved May 9, 1906.

AN ACT RELATIVE TO UNAUTHORIZED BANKING.

Chap.377

Be it enacted, etc., as follows:

SECTION 1. No corporation, either domestic or foreign, and no person, association or partnership except savings banks incorporated under the laws of this Commonwealth, or trust companies so incorporated prior to the first day of January in the year nineteen hundred and five, or such foreign banking corporations as may be doing business in this Commonwealth and are subject to examination or supervision of the bank commissioner at the time when this act takes effect, shall hereafter make use of any sign at the place where its business is transacted having thereon any name, or other word or words indicating that such place or office is the place or office of a savings bank. Nor shall such corporation, person, association or partnership make use of or circulate any written or printed or partly written and partly printed paper whatever, having thereon any name, or other word or words, indicating that such business is the business of a savings bank; nor shall any such corporation, person, association or partnership receive deposits and transact business in the way or manner of a

No corporations except savings banks, etc., to advertise the doing of certain business, etc.

savings bank, or in such a way or manner as to lead the public to believe, or, in the opinion of the bank commissioner, as might lead the public to believe, that its business is that of a savings bank.

The bank commissioner to have authority to examine accounts, etc.

SECTION 2. The bank commissioner shall have authority to examine the accounts, books and papers of any corporation, person, association or partnership which makes a business of receiving money on deposit, in order to ascertain whether such corporation, person, association or partnership has violated or is violating any provision of this act; and any corporation, person, association or partnership violating any provision of this act shall forfeit to the Commonwealth one hundred dollars a day for every day or part thereof during which such violation continues. Any violation of the provisions of this act shall forthwith be reported by the bank commissioner to the attorney-general. The said forfeiture may be recovered by an information or other appropriate proceeding brought in the supreme judicial court or superior court in the name of the attorney-general. Upon such information or other proceeding the court may issue an injunction restraining such corporation, person, association or partnership from further prosecution of its business within the Commonwealth during the pendency of such proceeding or for all time, and may make such other order or decree as equity and justice may require.

Court may issue injunction, etc.

Approved May 10, 1906.

Chap. 378 AN ACT TO AUTHORIZE THE MAVERICK CONGREGATIONAL SOCIETY OF BOSTON TO CONVEY ITS PROPERTY TO THE CONGREGATIONAL CHURCH UNION OF BOSTON AND VICINITY.

Be it enacted, etc., as follows:

The Maverick Congregational Society may convey its property, etc.

SECTION 1. The Maverick Congregational Society is hereby authorized to convey to The Congregational Church Union of Boston and Vicinity all its real and personal estate, situated in that part of Boston called East Boston, in fee, upon the trusts nevertheless set forth in a deed of said real estate presented to the said society at a special meeting thereof, held on the eighth day of March, nineteen hundred and six: *provided*, that the members of said society who are entitled to vote shall by a two thirds vote of those present at a meeting regularly called decide so to do.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1906.

AN ACT TO AUTHORIZE THE TOWN OF NORTH ANDOVER TO
ESTABLISH A BOARD OF PUBLIC WORKS. *Chap.379*

Be it enacted, etc., as follows:

SECTION 1. The water commissioners of the town of North Andover shall be a board of public works, with the powers and duties conferred or imposed upon said commissioners by chapter two hundred and two of the acts of the year eighteen hundred and ninety-three, chapter eighty-four of the acts of the year eighteen hundred and ninety-nine, chapter ninety-three of the acts of the year nineteen hundred and four, and chapter three hundred and fifty-one of the acts of the year nineteen hundred and five, and with the powers and duties conferred or imposed upon said board by an act passed concurrently herewith authorizing the said town to establish a sewerage system. The present water commissioners shall serve as members of the said board of public works until their terms as such commissioners expire, and whenever a vacancy in said board occurs by the expiration of a term or otherwise, it shall be filled, for a term of three years, by election at the annual town meeting at which such term expires, or which next occurs after the expiration of such term or after such vacancy occurs. The members of the said board shall serve until their successors are elected and qualified.

The town of North Andover may establish a board of public works.

SECTION 2. The said board of public works shall annually appoint a superintendent who shall not be one of their number, and may remove him at their pleasure. They shall fix his compensation. They shall also have authority to appoint and remove all necessary subordinate officers, agents or employees, and to fix their compensation; or they may delegate to the superintendent such powers or any part thereof. In general, they shall be responsible for and shall supervise and control the management of the water and sewerage systems of the town.

Superintendent, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1906.

AN ACT TO AUTHORIZE THE TOWN OF NORTH ANDOVER TO
ESTABLISH A SEWERAGE SYSTEM AND TO BORROW MONEY
THEREFOR. *Chap.380*

Be it enacted, etc., as follows:

SECTION 1. The town of North Andover is hereby authorized through a board of public works, to lay out, con-

The town of North Andover may construct,

etc., a system
of sewerage,
etc.

struct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, and such connections and other works as may be required for a system of sewage disposal, to be operated in connection with the main sewers and other works; and said board, for the purpose of providing better drainage, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best; and may within the limits of the town, deepen, widen and clear of obstructions any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may lay, make and maintain sub-drains, and discharge the water into any brook, stream or water course within the town: *provided*, that its action be approved by the state board of health.

Proviso.

May acquire
land, water
rights, etc.

SECTION 2. Said board of public works, acting in behalf of the town, shall have power to take by purchase or otherwise any lands in fee and any water rights, rights of way and easements in said town, public or private, necessary for the purposes mentioned in this act, and may construct within said town such main drains, sewers, pipes and conduits under or over any street, railroad, railway, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up any private lands, street or way, for the purpose of constructing said system, laying said sewers and drains and system of sewage disposal, and maintaining and repairing the same; and may do any other things necessary or proper to carry out the purposes of this act.

Description of
lands, etc., to
be recorded.

SECTION 3. The town shall, when it takes any lands, water rights, rights of way, easements or other real estate under the authority of this act, in any manner other than by purchase, cause to be recorded in the registry of deeds for the county and district in which the same are situated such a description thereof as is customary in a common conveyance of land, with a statement signed by the board of public works that the same have been taken under the authority of this act, and upon such recording the title to such lands, water rights, rights of way, easements and other real estate so described shall vest in the town.

Damages.

SECTION 4. The town shall pay all damages to property sustained by any person or corporation by reason of such taking, and if such person or corporation and the town fail

to agree as to the amount thereof, the same shall be determined by a jury of the superior court, in the manner provided by law in the case of land taken for the laying out of highways; but in case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided.

SECTION 5. The town, in the case of a petition for a jury as aforesaid, may offer in court and consent in writing that the sum therein specified may be awarded as damages to the petitioner; and if the petitioner shall not accept the sum offered, within thirty days after notice of such offer, and shall not finally recover a greater sum than the sum offered, not including interest, the town shall be entitled to recover its costs after the date of said offer, and the petitioner, if he recovers damages, shall be entitled to his costs to the date of the offer.

Town may offer a specified sum as damages.

SECTION 6. The owners of estates benefited by and abutting on any streets or ways, public or private, in which sewers shall be laid under the provisions of this act, shall pay to said town toward defraying the cost of said sewer system or systems of sewerage and sewage disposal an assessment or betterment charge as follows: — Three tenths of one cent per square foot of area within the depth of one hundred feet from the line of such street or way. In the case of corner estates abutting on more than one sewered street the same area shall not be assessed twice. No estate shall be deemed benefited unless or until a sewer has been constructed into which it can be drained. The remainder of the cost of said system or systems shall be borne by the town. No particular or other sewers from any estate or part of an estate not already assessed or not liable to assessment as provided above shall be entered into a common sewer, except upon the payment of such an assessment and upon such other terms and conditions as the board of public works shall determine.

Assessment of betterments, etc.

SECTION 7. When in any street or way, or part of a street or way, public or private, a sewer included in any system now constructed or hereafter to be constructed, is finished and ready for use, the board of public works shall file a certificate with the town treasurer designating the street or way, or part thereof, in which the sewer has been finished, and setting forth the names of the owners of the estates abutting and benefited, and the amount of the assessment and charge to be paid by each, and referring to a plan

Payment of assessments, etc.

Proviso.

on file in the office of the board of public works, which plan shall show the frontage, the name of the owner, and the amount of the assessment. The treasurer shall upon receipt of such certificate make a demand in writing for the payment of such assessment or charge, and every owner shall within three months after such demand is served upon him, or on the occupant of such estate, or sent by mail to the last address of the owner known to the treasurer, pay to the treasurer the sum so assessed or charged: *provided*, that said board shall, on the written request of any owner, made within the said three months, apportion such assessment or charge into such a number of equal parts or instalments, not exceeding ten, as the owner shall designate in such request, and they shall report such apportionment to the assessors. Interest from the date of such apportionment at the rate of six per cent per annum shall be added to each of such assessments or charges until they are paid, and one of such parts or instalments shall be added by the assessors to the annual tax of such estates for each year next ensuing, until all such parts have so been added, unless paid before, as hereinafter provided. Nothing herein shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any remainder of any assessment or charges then remaining unpaid, but interest on such balance at the rate of six per cent per annum shall be paid to the date of such payment, and thereupon the town treasurer shall receive the same and certify such payment or payments to the assessors, who shall preserve a record thereof.

Assessments
to constitute
lien upon
estate, etc.

SECTION 8. The assessment or charge aforesaid shall constitute a lien upon the estate, which shall continue for two years after such certificate is made and filed, and after the demand aforesaid is made, or, in case of apportionment, until the expiration of two years from the time when the last instalment is committed to the collector. Said assessment, together with interest at the rate of six per cent per annum, with incidental costs and expenses, may be levied by the sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges, if the assessment is not paid within three months after the service of said notice, or, if it has been apportioned, within three months after any portion has become due. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales

for the non-payment of taxes are conducted, and real estate so sold may be redeemed in the same manner as if it had been sold for the non-payment of taxes. Such assessments or parts thereof may be collected also by an action of contract in the name of the town of North Andover against the owner of the real estate, brought at any time within two years after the same have become due.

SECTION 9. If any assessment for sewers heretofore made by the selectmen or other board or officer, or hereafter made by the said board of public works, is or shall be invalid for any reason, and if such assessment has not been paid, or has been recovered back, or has been enforced by an invalid sale, a re-assessment of the estate affected by such original assessment may be made by the board of public works to the just amount to which the said estate should originally have been assessed, and the new assessment thus made shall be payable and shall be collected and enforced in the same manner as other assessments.

Invalid
assessments.

SECTION 10. Any person aggrieved by an assessment made under authority hereof, may at any time within three months after the service of the demand mentioned in section seven of this act apply to the superior court for said county for a jury to revise the same, but before making such application he shall give to said board of public works fourteen days' notice in writing and shall in such notice specify particularly his objection to the assessment, to which specification he shall be confined in his hearing before a jury.

Person
aggrieved
may apply for
a jury, etc.

SECTION 11. The town of North Andover, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding fifty thousand dollars, and may issue from time to time bonds or notes therefor, and the said indebtedness shall not be reckoned in determining the statutory limit of indebtedness of the town. Such bonds or notes shall bear on their face the words, North Andover Sewerage Loan, Act of 1906, shall be payable within periods not exceeding twenty-five years from the dates of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. They shall be signed by the treasurer of the town and countersigned by the board of public works. The town may from time to time sell such securities, or any part thereof, at public or pri-

North Andover
Sewerage
Loan, Act
of 1906.

vate sale, but not for less than the par value thereof. The proceeds shall be retained in the treasury, and the treasurer shall, upon the order of said board of public works, pay therefrom the expenses incurred for the purposes aforesaid.

Annual
proportionate
payments.

SECTION 12. Said town shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby, less the amount that may be appropriated therefor, as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town is extinguished.

Payment of
expenses, etc.

SECTION 13. The receipts from assessments and payments in lieu thereof under this act, after deducting all charges and expenses for and incident to the maintenance and operation of said systems of sewerage, shall be applied first to the payment of the interest upon the bonds or notes issued under authority of this act, not otherwise provided for, and the balance shall be set apart for the payment or redemption of such bonds or notes, or for payment of the further extension of the system or systems of sewerage herein authorized to be constructed by said town, as the said town shall vote, and shall be used for no other purpose. If the receipts from said assessments and from payments made in lieu thereof in any year, not apportioned for the construction and maintenance of sewers as aforesaid, shall be insufficient to pay the interest on said bonds or notes, and the principal as it falls due, then, in such case, the town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, such sums as will meet the said requirements. The sinking fund of any loan of the town may be invested in such bonds or notes.

Contracts.

SECTION 14. All contracts made by said board of public works shall be made in the name of the town and shall be signed by the board; but no contract shall be made or obligation incurred by the board of public works for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 15. The said board of public works may from time to time prescribe rules and regulations for connecting estates and buildings with main drains and sewers, and for the inspection of materials, and the construction, alteration and use of all connections and drains entering into such main drains and sewers, and may impose penalties not exceeding twenty dollars for each violation of any such rule or regulation. Such rules or regulations shall be published not less than once a week for three successive weeks in some newspaper published in the town of North Andover, if there be any, otherwise in some newspaper published in the county of Essex, and shall not take effect until such publication has been made.

Board of public works may prescribe rules and regulations, etc.

SECTION 16. No act shall be done under the authority of the preceding sections until the plans for said system of sewerage have been approved by the state board of health. Upon application to said board for such approval the board shall give a hearing, after due notice to the public; and at such hearing plans showing in detail all work to be done in constructing said system of sewerage shall be submitted.

Plans to be approved by state board of health.

SECTION 17. This act shall take effect upon its passage, but no expenditure shall be made nor any liability incurred hereunder until this act has been accepted by a majority of the voters of the town voting thereon at a legal meeting called for the purpose within three years after its passage.

When to take effect.

Approved May 11, 1906.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS FOR THE COUNTY OF ESSEX TO COMPLETE THE BRIDGE OR CAUSEWAY ACROSS WATERS RIVER IN THE TOWN OF DANVERS. *Chap. 381*

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed to complete the bridge or causeway, with the approaches thereto, across Waters river at Hussey's mill, so-called, in the town of Danvers, begun by them under authority of chapter three hundred and eighty-eight of the acts of the year nineteen hundred and three, and to pay all just bills already contracted by the commissioners for work already done upon the said bridge or causeway.

Completion of the bridge, etc., over Waters river in Danvers.

SECTION 2. The expense incurred under this act shall not exceed the sum of twenty-three thousand dollars, and

Money may be borrowed on credit of

the county
of Essex.

the county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for the payment thereof. *Approved May 11, 1906.*

Chap.382 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO ACCEPT
THE GIFT OF A BOAT HOUSE.

Be it enacted, etc., as follows:

The city of
Cambridge
may accept
the gift of a
boat house.

SECTION 1. The city of Cambridge by its mayor, with the approval of its city council, is hereby authorized to accept the gift of a boat house, upon such terms and conditions as may be agreed upon by the city and Robert S. Peabody and others, trustees.

The mayor to
execute the
necessary
instruments.

SECTION 2. The mayor of said city is hereby authorized to execute for and in the name of the city such instrument or instruments as may be necessary to enable the city to comply with the terms and conditions of the gift as stated in said agreement.

SECTION 3. This act shall take effect upon its passage.
Approved May 11, 1906.

Chap.383 AN ACT RELATIVE TO COMPULSORY EDUCATION.

Be it enacted, etc., as follows:

R. L. 44, § 1,
etc., amended.

Section one of chapter forty-four of the Revised Laws, as amended by section one of chapter three hundred and twenty of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "dollars", in the thirty-third line, the words: — *provided, however,* that no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defence under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child, — so as to read as follows: —

Certain
children to
attend school.

Section 1. Every child between seven and fourteen years of age, and every child under sixteen years of age who cannot read at sight and write legibly simple sentences in the English language, shall attend some public day school in the city or town in which he resides during the entire time the public day schools are in session, subject to such

exceptions as to children, places of attendance and schools as are provided for in section three of chapter forty-two and sections three, five and six of this chapter. The superintendent of schools or, if there is no superintendent of schools, the school committee, or teachers acting under authority of said superintendent or committee, may excuse cases of necessary absence. The attendance of a child upon a public day school shall not be required if he has attended for a like period of time a private day school approved by the school committee of such city or town in accordance with the provisions of the following section, or if he has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or if he has already acquired such branches of learning, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section shall cause him to attend school as herein required; and if he fails for five day sessions or ten half day sessions within any period of six months while under such control to cause such child, whose physical or mental condition is not such as to render his attendance at school harmful or impracticable, so to attend school, he shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars: *provided, however*, that no physical or mental condition which is capable of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defence under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child. Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child who, while school is in session, is absent unlawfully from school shall be punished by a fine of not more than fifty dollars.

Penalties.

Proviso.

Approved May 11, 1906.

Chap. 384 AN ACT RELATIVE TO THE ADMISSION OF PERSONS UNDER THE AGE OF SEVENTEEN TO DANCE HALLS AND ROLLER SKATING RINKS.

Be it enacted, etc., as follows:

Children under seven-teen not to be admitted to certain places of amusement, unless, etc.

SECTION 1. No proprietor, lessee or manager and no employee of a proprietor, lessee or manager of any public hall or room in which dancing or roller skating is practised and for admission to which money or other token of value is accepted, shall admit while dancing or roller skating is practised therein between the hours of six P.M. and six A.M. any person under seventeen years of age unless such person is accompanied by a parent, guardian or adult member of the family with whom such person is residing; and any minor may be refused admission to or excluded from any such hall or room while a dance or roller skating is being carried on therein, unless such minor produces evidence satisfactory to the proprietor or his agent that such minor is above the age of seventeen years.

Not to apply in certain cases.

SECTION 2. This act shall not apply to any ball or dance given by any charitable or religious society, or by any public or private school, or by any class, society or club the membership of which is restricted to some particular charitable or religious society or to some particular public or private school.

Copy of act to be posted.

SECTION 3. A copy of this act shall be posted at the entrance of every public hall or room in which roller skating or public dances are practised.

Penalty.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by the forfeiture of his license, or both.

Approved May 11, 1906.

Chap. 385 AN ACT TO ESTABLISH THE MASSACHUSETTS COMMISSION FOR THE BLIND.

Be it enacted, etc., as follows:

Massachusetts commission for the blind, appointment, terms, etc.

SECTION 1. There shall be a state board, to be known as the Massachusetts Commission for the Blind, consisting of five persons, to be appointed by the governor, with the advice and consent of the council, within sixty days after the passage of this act, one member of which shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two

years and one for a term of one year. At the expiration of the term of any member of the commission, a member for the term of five years shall be appointed. Any member of the commission may be removed by the governor, with the consent of the council, for such cause as he shall deem sufficient and shall assign in the order of removal.

SECTION 2. The commission shall be authorized to prepare and maintain a register of the blind in Massachusetts, which shall describe their condition, cause of blindness and capacity for education and industrial training. The chief of the bureau of statistics of labor is hereby directed to aid the commission by furnishing it from time to time, upon its request, with the names, addresses and such other facts concerning the blind as may be recorded by the enumerators in taking any decennial census.

To prepare and maintain a register of the blind, etc.

SECTION 3. The commission shall act as a bureau of information and industrial aid, the object of which shall be to aid the blind in finding employment and to develop home industries for them. For this purpose the commission may furnish materials and tools to any blind person, and may assist such blind persons as are engaged in home industries in marketing their products.

To aid the blind in finding employment, etc.

SECTION 4. The commission may, with the approval of the governor and council, establish, equip and maintain one or more schools for industrial training, and workshops for the employment of blind persons, may pay to employees suitable wages, and may devise means for the sale and distribution of the products of such schools and workshops.

May establish, etc., a school of industrial training, etc.

SECTION 5. The commission may receive in the schools established by it pupils from other states, upon the payment of such fees as the commission shall determine, and may at its discretion contribute to the support of pupils from Massachusetts receiving instruction in institutions outside the Commonwealth.

Pupils may be received from other states.

SECTION 6. The commission, in furtherance of the purposes of this act, may provide or pay for temporary lodgings and temporary support for workmen or pupils received at any industrial school or workshop established by it, and may ameliorate the condition of the blind by devising means to facilitate the circulation of books, by promoting visits among the aged or helpless blind in their homes, and by such other methods as it may deem expedient: *provided*, that the commission shall not undertake the permanent support or maintenance of any blind person.

Temporary lodgings, etc.

Provido.

Appointment
of officers, etc.

SECTION 7. The commission, with the approval of the governor and council, may appoint such officers and agents as may be necessary, and fix their compensation within the limits of the annual appropriation; but no person employed by the board shall be a member thereof. It shall make its own by-laws, and shall annually, on or before the third Wednesday in January, make a report to the governor and council of its doings up to and including the thirtieth day of November preceding, embodying therein a properly classified and tabulated statement of its receipts and expenditures. The commission shall make to the auditor of the Commonwealth, on or before the fifteenth day of November in each year, a classified and tabulated statement of its estimates for the year ensuing, with its opinion as to the necessity or expediency of appropriations in accordance with such estimates. The annual report shall also present a concise review of the work of the commission for the preceding year, with such suggestions and recommendations as to improving the condition of the blind as it may deem expedient. The members of the board shall receive no compensation for their services, but their travelling and other expenses necessary for the proper performance of their duties shall be allowed and paid out of the treasury of the Commonwealth.

Estimates.

Annual report.

Expenses.

SECTION 8. There may be expended during the present year a sum not exceeding twenty thousand dollars in carrying out the provisions of this act.

SECTION 9. This act shall take effect upon its passage.

Approved May 11, 1906.

Chap. 386 AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

Be it enacted, etc., as follows:

Receptacles
holding
proprietary
or patent
medicines,
etc., to be
labelled.

SECTION 1. Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol to an amount in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the drugs contained therein, shall be marked or inscribed a statement of the percentage of alcohol by volume contained therein; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall

apply to the manner and form in which such statements shall be marked or inscribed.

SECTION 2. Every package, bottle or other receptacle holding any proprietary or patent medicine or any proprietary or patent food preparation shall bear a label containing a statement of the quantity of any opium, morphine, heroin or chloral-hydrate contained therein, provided that the package contains more than two grains of opium, or more than one fourth grain of morphine, or more than one sixteenth grain of heroin, or more than eight grains of chloral-hydrate in one fluid ounce, or, if a solid preparation, in one avoirdupois ounce; and the provisions of section nineteen of chapter seventy-five of the Revised Laws shall apply to the manner and form in which such statements shall be marked or inscribed.

Statement to be contained in label.

R. L. 75, § 19, to apply.

SECTION 3. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange, any patent or proprietary medicine or article containing cocaine or any of its salts, or alpha or beta eucaine or any synthetic substitute of the aforesaid.

Sale of certain articles prohibited.

SECTION 4. It shall be unlawful for any person to sell, or to expose or offer for sale, or to give or exchange any cocaine or alpha or beta eucaine or any synthetic substitute of the aforesaid, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the Commonwealth; the original of which prescription shall be retained by the druggist filling the same and shall not again be filled.

Certain articles to be sold only on prescription.

SECTION 5. The provisions of sections three and four shall not apply to sales at wholesale made to retail druggists or dental depots nor to sales made to physicians, dentists or regularly incorporated hospitals.

Not to apply to certain sales at wholesale.

SECTION 6. Whoever manufactures, sells or offers for sale any medicine or food preparation in violation of the provisions of this act shall be punished by a fine of not less than five nor more than one hundred dollars. It shall be the duty of the state board of health to cause the prosecution of all persons violating the provisions of this act; but no prosecution shall be brought for the sale at retail, or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited or restricted as aforesaid, unless the said board has, prior to such sale,

Penalty.

State board of health to prosecute, etc.

gift or exchange, given public notice in such trade journals or newspapers as it may select that the gift, exchange or sale at retail of the said medicine or food preparation would be contrary to law.

When to take effect.

SECTION 7. This act shall take effect on the first day of September in the year nineteen hundred and six.

Approved May 11, 1906.

Chap. 387 AN ACT RELATIVE TO THE INSPECTION OF STEAM BOILERS.

Be it enacted, etc., as follows:

Steam boilers to be inspected once each year, etc.

SECTION 1. Every steam boiler in this Commonwealth, except those which, under the provisions of section seventy-eight of chapter one hundred and two of the Revised Laws may be operated by an unlicensed person, shall be inspected internally and externally once each year, between the first day of June and the first day of October, by the licensed engineer or fireman in charge of or operating the same, except such boilers as are inspected by properly authorized inspectors of insurance companies or by state inspectors. The engineer making the inspection shall forward to the chief of the district police within ten days after such inspection a report of every boiler so inspected by him. Such reports shall be made on blanks furnished by the chief of the district police and shall be made in conformity therewith.

Certain boilers not to be operated until inspection has been made.

SECTION 2. In case any boiler which is required under the provisions of section one to be inspected is not in use or operation between the first day of June and the first day of October in any year, such boiler shall not be operated until the inspection required by this act has been made and the report thereof has been forwarded to the chief of the district police.

Chief of district police to notify owners, etc., of boilers of changes to be made.

SECTION 3. If it appears to the chief of the district police from any report of such an inspection that safety requires changes to be made in any boiler so inspected, notice shall be given by the chief of the district police to the owner or user of such boiler of the changes required. Any owner or user failing to comply with the requirements of the chief of the district police respecting his boiler, after receiving notice thereof, shall be liable to a fine of not more than one hundred dollars for such failure, and the use of such boiler may be enjoined in the manner

provided in section four of chapter one hundred and five of the Revised Laws.

SECTION 4. Any owner or user failing to have made any inspection required by this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offence. Penalty on owner for failure to have inspection made.

SECTION 5. Any owner or user who interferes with an engineer while making such inspection or who seeks to prevent or hinder the same shall be liable to a fine of not less than twenty-five dollars and not more than one hundred dollars. Penalty for interfering with an engineer.

SECTION 6. The district police shall have authority in the discharge of their duty to enter upon any premises where steam boilers are located, for the purpose of enforcing the provisions of this act. *Approved May 11, 1906.* District police to enforce provisions of act.

AN ACT TO DETERMINE THE INDEBTEDNESS OF THE CITY OF BEVERLY INCURRED FOR WATER SUPPLY PURPOSES.

Chap. 388

Be it enacted, etc., as follows:

SECTION 1. So much of the present indebtedness of the city of Beverly as amounts to the sum of three hundred and fifty thousand dollars and is represented by bonds issued by the town of Beverly to the number of three hundred and fifty, of the denomination of one thousand dollars each, dated the first day of July in the year eighteen hundred and eighty-one, and maturing on the first day of July in the year nineteen hundred and eleven, shall be deemed to have been incurred in supplying the inhabitants of said city with water, and shall not be reckoned in determining the statutory indebtedness of the city. Water indebtedness of the city of Beverly, etc.

SECTION 2. The sinking fund provided for by chapter two hundred and thirty-one of the acts of the year eighteen hundred and eighty-one shall continue to be maintained; but the commissioners thereof shall cause the funds to be separated in such manner that forty-three and four hundred and thirty-six one thousandths per cent thereof shall hereafter be maintained as a distinct fund for the redemption of the bonds hereby declared to constitute said water debt, and of the sum of twenty thousand dollars required to be raised annually by taxation and paid to said commissioners forty-three and three hundred and seventeen one thousandths per cent shall be added to the Sinking fund, etc.

sinking fund for the redemption of said water debt, and the remaining portion to the general sinking fund.

Repeal.

SECTION 3. So much of said chapter two hundred and thirty-one as is inconsistent herewith is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 12, 1906.

Chap.389 AN ACT TO PROVIDE FOR THE COMMITMENT OF HABITUAL TRUANTS, HABITUAL ABSENTEES AND HABITUAL SCHOOL OFFENDERS.

Be it enacted, etc., as follows:

Certain offenders to be committed to truant schools.

SECTION 1. Habitual truants, habitual absentees and habitual school offenders shall be committed to truant schools, however named, for the instruction and training of children, and now provided for by the several counties, and not to any other institution or place.

Not to apply to a certain institution.

SECTION 2. This act shall not apply to the Plummer Farm School of Reform for Boys, at Winter island in Salem.

Repeal.

SECTION 3. So much of any act as is inconsistent herewith is hereby repealed.

Approved May 12, 1906.

Chap.390 AN ACT RELATIVE TO THE ASSIGNMENT OF WAGES.

Be it enacted, etc., as follows:

Assignment of wages not to be valid, unless, etc.

SECTION 1. No assignment of future wages shall be valid for a period exceeding two years from the date thereof, nor unless made to secure a debt contracted prior to or simultaneously with the execution of said assignment, nor unless executed in writing in the standard form herein set forth and signed by the assignor in person and not by attorney, nor unless such assignment states the date of its execution, the money or the money value of goods actually furnished by the assignee and the rate of interest, if any, to be paid thereon.

Copy of assignment to be given to assignor, etc.

SECTION 2. No such assignment shall be valid unless a copy thereof is delivered to the assignor by the assignee at the date of the execution of such assignment. No such assignment shall be binding on the employer of the assignor until a copy of the assignment and an account, which shall conform to the requirements hereinafter stated, have been delivered to said employer. Said account shall be in writing and shall contain a statement of the balance due

and of the sums of money received by the assignee, together with the date of every such payment and a statement as to whether such payment is interest, a payment on the principal, or, in case of a loan, a payment on the charge for making and securing the loan.

SECTION 3. The term "assignment", as used in this Term defined. act, shall include every instrument purporting to transfer an interest in or an authority to collect the future wages of a person.

SECTION 4. Said standard form of assignment shall be Form. as follows:—

KNOW ALL MEN BY THESE PRESENTS.

That I,.....of....., in the county of....., for a valuable consideration, to me paid by....., of....., the receipt whereof I do hereby acknowledge, do hereby assign and transfer to said all claims and demands [which I now have, and all] which within a period of..... from the date hereof I may and shall have against my present employer, and against any person whose employ I shall hereafter enter, [for all sums of money due and] for all sums of money and demands which, at any time within said period may and shall become due to me, for services as..... To have and to hold the same to the said....., his executors, administrators and assigns, to secure a debt

(1) of.....dollars [with interest thereon from....., at the rate of.....per cent per annum], for money [or goods] actually furnished by the assignee amounting to.....dollars.

(2) Contracted prior to the execution of this assignment.
[or contracted simultaneously with the execution of this assignment.]

IN WITNESS WHEREOF, I have set my hand this.....day of.....

Signed and delivered, in presence of.....
h.....m.....M. Received and entered in records of assignment of wages in the clerk's office of the.....of....., book....., page.....

....., Clerk.

SECTION 5. An assignment of wages made in accordance with the provisions of this act shall bind all wages earned by the assignor within the period named in such assignment. Period of time covered by assignment.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal. Approved May 15, 1906.

Chap. 391 AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES IN
THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

The city of
Haverhill to
cause certain
wires, etc.,
to be placed
underground.

SECTION 1. The city council of the city of Haverhill may by ordinance designate some officer or officers of the city who shall have exclusive authority to cause to be removed from the streets or parts of streets of the city, hereinafter named, within the district hereinafter prescribed, all telegraph, telephone and electric light, motor and power wires, cables and conductors, in or above said streets, or parts of streets, and all poles and other structures in said streets used for the support of the same, except such structures, poles, wires, cables and conductors as are hereinafter excepted. Such officer or officers shall grant all necessary permits for placing, maintaining and operating such wires, cables and conductors in underground conduits, subject to the ordinances of the city; and the superintendent of streets or other officer having charge of the highways of said city shall issue all permits for opening and occupying the streets which may be necessary to carry out the intent of this provision, upon the application of the officer or officers first above mentioned, or of any person or corporation interested.

To apply to
certain streets,
etc.

SECTION 2. The provisions of this act shall apply to the following streets or parts of streets in the city of Haverhill: — Commencing at the electric light station of the Haverhill Electric Company on Water street, thence through Water street and Merrimack street to Washington square; all of Washington square and through Washington street to the crossing of the Boston and Maine railroad with said Washington street. All of the wires, cables and conductors aforesaid, within the territory specified in this section, other than those hereinafter excepted, shall, prior to the first day of January, nineteen hundred and ten, be removed or placed underground, and the officer or officers who may be designated pursuant to section one of this act shall cause the owners or users of such wires, cables and conductors to remove them or put them underground, and also to remove any poles or other structures used in the streets or parts of streets above named, to support such wires, cables or conductors, except when, in the judgment

of said officer or officers, it is impracticable or inexpedient to remove such wires, cables, conductors, poles or structures; it being the purpose of this act ultimately to cause the removal from said streets or parts of streets of all such poles, structures, wires, cables and conductors, except those hereinafter excepted.

SECTION 3. The provisions of this act shall also apply to the following streets or parts of streets in said city of Haverhill: — Essex street from Locke street to Washington square; Locke street and Duncan street from Essex street to Winter street; Main street to Winter street and through Winter street to Portland street. All of the wires, cables and conductors in said streets or parts of streets and square, as specified in this section, except those hereinafter excepted, shall, prior to January first, nineteen hundred and fifteen, be removed or placed underground; and the officer or officers who may be designated pursuant to section one of this act shall cause the owners or users of such wires, cables and conductors to remove them or place them underground, and also to remove any poles or other structures used in the streets or parts of streets and square above named to support such wires, cables or conductors, except when, in the judgment of said officer or officers, it is impracticable to remove said wires, cables, poles or structures; it being the purpose of this act ultimately to cause the removal from said streets or parts of streets and square named in this section of all said poles, structures, wires, cables and conductors, except those hereinafter excepted.

Certain other streets to be included, etc.

SECTION 4. No person or corporation shall place any poles or other structures for the support of any cables, wires or conductors, except those hereinafter specifically excepted, in any of said streets or parts of streets or in said square, after said wires have been placed underground therein, except temporarily and in emergencies, and then only with the consent of the officer or officers who may be designated pursuant to section one; and if, after the expiration of the time hereby prescribed for the removal or placing underground of poles, structures, wires, cables or conductors, in any street, streets, part of a street or square, there shall remain in such street, streets, part of a street or square, any poles, structures, wires, cables or conductors which are by this act ordered to be removed or placed underground, the officer or officers provided for by section

Certain structures not to be placed in prescribed streets, etc.

one shall cause the same to be removed; and the city may collect from the owners or users, by an action at law, any expense involved in such removal.

Permission may be given to remove and place underground certain wires, etc.

SECTION 5. The officer or officers who may be designated by the city council of said city pursuant to section one may, at any time, upon application of any person, firm or corporation duly authorized by law to lay or to erect and maintain and maintaining wires in the streets of said city, grant permission for the removal of any wires, cables, conductors, poles or structures in any of the streets of said city, whether within or without the districts specified in sections two and three, and for the placing of the same and of any other necessary wires, cables and conductors or any extensions thereof underground as herein provided; and it shall be the duty of the superintendent of streets or other officer having charge of the highways in said city, and he shall have authority, after the granting of such permission, to issue all permits for opening and occupying the streets which may be necessary to carry out the intent of this act, upon the application of said officer or officers or of any person or corporation interested.

Not to apply to certain lines, etc., nor revoke certain rights, etc.

SECTION 6. This act shall not apply to long distance telephone wires, or to posts for the support of lamps exclusively, or to poles used exclusively for local distribution from underground wires, cables or conductors, or to street railway wires, poles or conductors; nor shall it revoke any rights already granted to any person, firm or corporation to place or maintain any conduits, pipes, wires, cables or conductors underground; but any such conduits, pipes, wires, cables or conductors laid hereafter in pursuance of any such grant shall be laid subject to the provisions of this act, so far as they are not inconsistent with the terms of such grant. For the purposes of this act no wire shall be deemed a long distance telephone wire which does not extend twenty-five miles at least in a direct line from some central office.

Maps to be filed in certain cases.

SECTION 7. When any person, firm or corporation operating or intending to operate wires, cables, conductors or conduits in said city shall desire or be required to place the same underground in any street or highway and shall have been duly authorized so to do, it shall be obligatory upon such person, firm or corporation to file with the city engineer a map or maps made to scale showing the streets or highways which are desired or required to be used for

said purposes, and giving the location, dimensions and course of the underground conduit or conductor desired or required to be constructed, which map or maps shall be satisfactory to, and approved in writing by, said city engineer before any opening shall be made in any such street or highway under such authority.

SECTION 8. The mayor and aldermen of this city shall constitute a board of appeal, to which petitions in writing may be presented by any person, firm or corporation aggrieved by any act or decision of the officer or officers who may be designated pursuant to section one, done or made in pursuance of this act. Such petition shall set forth the specific grievance or grievances relied upon, and shall be filed with the mayor within ten days after the act or decision complained of was done or made; and said board after notice shall give a hearing thereon, and may either approve, modify or annul such act or decision.

Board of
appeal.

SECTION 9. The supreme judicial court or the superior court, or any justice thereof, shall, on petition of said officer or officers, have jurisdiction in equity to enforce the provisions of this act or any order of said officer or officers issued thereunder, and to compel compliance therewith.

Enforcement
of provisions.

SECTION 10. This act shall take effect upon its passage.

Approved May 15, 1906.

AN ACT TO PREVENT STOCK AND DEBT WATERING BY PUBLIC
SERVICE CORPORATIONS.

Chap. 392

Be it enacted, etc., as follows:

SECTION 1. When a gas company incorporated under the laws of this Commonwealth consolidates with any other such gas company or companies, or an electric light company incorporated under the laws of this Commonwealth consolidates with any other such electric light company or companies, or any such gas company or companies consolidate with any such electric light company or companies, the aggregate amount of the capital stock and the aggregate amount of the debt of the consolidating companies shall not, by reason of such consolidation, be increased.

In cases of
consolidation
of certain
companies,
stock not to be
increased.

SECTION 2. This act shall take effect upon its passage.

Approved May 15, 1906.

Chap. 393 AN ACT RELATIVE TO HIGHWAYS, PUBLIC ALLEYS, SEWERS AND SIDEWALKS IN THE CITY OF BOSTON AND THE ASSESSMENT OF BETTERMENTS THEREFOR.

Be it enacted, etc., as follows:

Relocating,
altering, etc.,
of highways,
etc., in the
city of Boston.

SECTION 1. Every highway in the city of Boston shall be laid out, relocated, altered, widened, discontinued or constructed only as provided in this act or as provided in some other special act for a highway named therein; and in this act the word "highway" means any public way which has become such through the act of the board or other authority or in any other manner; the words "public alley" mean any alley or passageway not exceeding twenty-five feet in width, laid out as a public alley by an order of the board of street commissioners of said city; the words "parcel of real estate" mean any lot of real estate a part of which is within one hundred and twenty-five feet of a highway or public alley ordered by said board to be laid out, relocated, altered, widened, discontinued or constructed, as the lot was on the day of the first publication of notice of the intention to make the improvement, or on the day of passing the order therefor, if there is no such publication, including any lot a part of which is taken and any lot a part or the whole of which is leased, and excluding any land within any location of a railroad company, and any lot situated on another way having the same general direction with the highway or public alley and not more than two hundred and fifty feet distant therefrom, if no part of such lot is between the highway or public alley and a line drawn midway between the same and said other way.

Public hearing
to be given,
etc.

SECTION 2. Whenever said board of street commissioners shall be of opinion that in said city a public improvement should be made, consisting of laying out, relocating, altering, widening or discontinuing, with or without construction of sewer, or of changing the grade of, or constructing, with or without sewer, a highway or public alley, the board shall appoint a time for a public hearing and cause a notice thereof and of their intention in the matter to be published twice a week for two successive weeks in two daily newspapers published in said city, the last publication to be at least seven days prior to the time fixed for the hearing, and may adjourn the hearing from time to

time. After the hearing the board may pass an order for making any such improvement that in the opinion of the board is required by public convenience, and in the order shall prescribe the lines, dimensions and grades for a highway shown on any plan filed under the provisions of section five of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and for any not so shown shall prescribe as it deems proper. The board on the same day shall pass another order and therein shall determine and award the damages to be paid by the city to each person whose property is taken for the improvement, shall estimate the benefit or advantage to each parcel of real estate from the whole or a part of the improvement beyond the general advantage to all real estate in said city; and if a highway is to be constructed shall prescribe the sizes and materials for the gas pipes and connections to be laid therein, and if the gas company authorized to lay the pipes shall certify to the board the sizes and materials therefor the board shall prescribe in accordance with the certificate. Said orders shall be null and void unless they shall both be approved in writing by the mayor within three months after the first publication of the notice above specified; and if so approved they shall then be recorded in the records of the board, take effect and be carried out. After such approval by the mayor and recording in said records, the board shall cause to be recorded in the registry of deeds for the county of Suffolk the order for the improvement, but not the other order, and such recording shall constitute the taking of land required for the improvement, and the board, with the approval of the mayor, may at any time thereafter make a new award or new awards. Any person interested, if aggrieved by any award made by said board, may, before the expiration of one year after the work is actually begun on the improvement in front of the property affected, file a petition in the office of the clerk of the superior court for the county of Suffolk for a jury to determine the damages, and they shall then be determined by such jury, and all general laws relating to such damages and the determination and payment thereof shall, so far as they are consistent with this act, apply to damages for the property taken as aforesaid. Judgment shall be entered on such determination by a jury, costs taxed and execution issued as in civil cases.

Orders for improvement to be approved by the mayor.

Damages.

Superintendent of streets, etc., to carry out orders, etc.

SECTION 3. The superintendent of streets of said city, or other officer of the city authorized thereto by the mayor, as such superintendent or officer deems proper, whether as prescribed in the order or otherwise but substantially in accordance therewith, shall carry out every order passed by any authority in said city authorized thereto, for making any public improvement specified in the preceding section, or consisting of the construction of a sewer or sidewalk; shall, if the order is for laying out, relocating, altering or widening a highway, and not for construction, remove obstructions therefrom and make temporary roadbeds and sidewalks therein and construct sewers therein if the order so requires; shall, if the order is for construction of a sewer, public alley or sidewalk, construct the same, and sewers in the alley if the order so requires; and shall, if the order is for construction of a highway, give public notice by advertisement twice a week for two successive weeks in two daily newspapers published in said city that all work which is to be done therein shall be done before a day, at least three weeks after there is such highway, specified in the notice, and shall, at least three weeks before said day send a copy of said notice to the gas company authorized to lay gas pipes therein, and after said specified day shall construct permanent roadways, sidewalks and other details of construction therein, and sewers therein if the order so requires, and connections of the sewers to the line of the way. If the gas company neglects or refuses to lay its pipes before said day, the superintendent shall furnish and lay the pipes as prescribed in the order and connect them with pipes then in use, and the company shall pay to the city the cost thereof as agreed upon with such superintendent or other officer, or as determined by the court. The city may furnish materials required in doing the work under any such order, and shall do the remainder of the work, by contract or otherwise, as the mayor shall approve in writing; and whenever any contract is to be made the estimated cost of which exceeds two thousand dollars, the superintendent or other officer, unless he causes a certificate that advertisements should be dispensed with, signed by him and approved in writing by the mayor, with his reasons therefor, to be filed with the city auditor, shall publish twice a week for two successive weeks in four daily newspapers published in said city, advertisements for proposals for doing the work under the contract, and in the adver-

Laying of gas pipes, etc.

City to furnish certain materials, etc.

tisements shall state the time and place for opening the proposals, and shall state that each proposal must be accompanied by a suitable bond, certified check, or other security for the faithful performance of the proposal, and that he reserves the right to reject any or all proposals. Every such proposal shall be accompanied by the security aforesaid, and after being opened shall be kept for six months subject to public inspection. Every such contract shall be in writing, and shall be approved in writing by the mayor before being of any effect; shall, with a suitable bond, certified check, or other security for the faithful performance of the contract, be deposited with the city auditor, and shall be altered only by agreement in writing of the contractor, the officer or board making the contract, the sureties on said bond, and the mayor.

Proposals to be accompanied by security. Contracts, etc.

SECTION 4. Said superintendent shall not do, or permit to be done, any of the work above described in any year after the fifteenth day of November, unless he certifies, in a writing approved by the mayor and kept on file in the office of said superintendent, that public necessity requires the work to be done. After the construction of the highway said superintendent shall not, for the space of two years, permit any department or person to disturb the surface thereof, except in case of obvious necessity, to be certified to in a writing to be approved and kept as hereinbefore provided, and except in cases of breaks or leaks in pipes, sewers or wires; but after said two years said superintendent may in his discretion permit openings to be made.

No work to be done after a certain date, unless, etc.

SECTION 5. Said board within two years after the completion of any improvement specified in section two shall determine the value of the benefit or advantage aforesaid to each parcel of real estate beyond the general advantage to all real estate in the city, from the whole or a part of the improvement, shall determine as the assessable cost of the improvement such part, not exceeding one half, as the board shall deem just, of the expenses incurred by the city for such whole or part of the improvement, exclusive of the excess above four dollars per linear foot of the expenses for sewers and their connections, and exclusive of all the expenses for surface drainage and for water pipes, gas pipes, and their connections, and shall assess on each parcel a proportional share of said assessable cost, not exceeding the value of said benefit to the parcel as estimated or de-

Benefit to real estate, etc.

Reassessment
may be made,
etc.

terminated as aforesaid. If such assessment is invalid and has not been paid or has been recovered back, it may be reassessed by said board to the amount for which and upon the real estate upon which the original assessment ought to have been made, and any alienation of real estate assessed shall not affect any re-assessment thereon made within one year after the first assessment has been found by the court to be invalid. The owner of any real estate in said city, within one year after the making of any such assessment on such estate, may file with the board an application for a revision thereof, and the board within two months after such filing, shall, if necessary to make it conform to the provisions of this section, revise and reduce the amount thereof. The revised amount shall be the amount of the assessment, and the excess of any amount paid therefor over the revised amount shall, on the certificate of the board, be repaid by the treasurer of the city from the appropriation from which the improvement was paid for, to the person for whom the payment was made, or to his legal representatives.

Assessments,
etc.

SECTION 6. The owner of any real estate on which any assessment specified in section five shall have been made and not wholly paid, or paid under protest and a suit brought within three months after the payment for recovery thereof be pending, may on such notice as the court shall order have the amount of the assessment determined by a jury at the bar of the superior court for the county of Suffolk, on petition therefor, filed in the clerk's office of said court within one year after the making of the assessment; and if either party requests it the jury shall view the premises. If the amount so determined is less than the amount fixed by the board the petitioner shall be entitled to costs; otherwise the city shall be entitled to costs; and if no part of the assessment has been paid, or if the amount thereof paid is less than the amount so determined, judgment shall be entered for the city for the amount so determined, less any amount paid, with interest on the remainder, and plus the amount of the costs in case the city is entitled to costs, and less the amount of costs in case the petitioner is entitled to costs; and execution shall issue for the amount of the judgment. But if the assessment, or any part thereof, has been paid and is in excess of the amount determined by the jury, the amount of the excess with interest from the date of payment, plus

the amount of the costs, shall, on the certificate of said board, be repaid by the treasurer of the city from the appropriation from which the improvement was paid for, to the person for whom the payment was made, or, to his legal representative.

SECTION 7. Every assessment for an improvement specified in this act shall bear interest until paid, from the day when it is payable, which shall be the thirtieth day after it is made, and if not paid before the first day of September of the year next after the year in which it is made, the assessors of said city shall include in the annual tax bills for the parcel, or in separate bills, annually, until the assessment is paid, a sum not exceeding ten-per cent of the amount thereof, and shall also include in the bill for the first year interest on said amount from the thirtieth day after the assessment is made to the last day of October of such year, and in the bill for each year thereafter one year's interest on the amount of the assessment remaining unpaid; or, if the parcel has been divided as hereinafter provided, the assessors shall include the several apportionments and their proportions of interest in the annual tax bills, for the divisions, or in separate bills, and every amount in any such bill shall be collected and paid into the city treasury in the same manner in which taxes are collected and paid.

Assessment
to bear
interest, etc.

SECTION 8. Assessments and damages for the public improvements aforesaid ordered after the passage of this act shall bear interest at the rate of four per cent per annum for damages, from the day of taking, and for assessments as hereinbefore provided. Assessments on real estate exempt by law from taxation, as determined and certified by the assessors of said city on application to them therefor by the owner, shall not be payable or bear interest until the day on which the estate ceases to be so exempt. Assessments, or so much as remains unpaid, on real estate divided shall, on request of the owner of any part thereof, or of the city collector, forthwith be apportioned by the board of assessors to the several parts in proportion to the values of the respective benefits thereto from said improvement, as determined by said board of street commissioners. Assessments with interest shall, until paid, be a lien on the real estate on which they are assessed, from the day of the first publication of notice of the intention to make the improvement for which the assessment is made, or from the day

Damages, etc. .

Proviso. of the passage of the order for the improvement, if there is no such publication: *provided, however*, that in case of an apportionment as aforesaid only the amount of the apportionment and interest shall, until paid, be a lien on the part to which it is apportioned.

Not to apply to improvements completed before the passage of this act.

SECTION 9. This act shall not apply to any such improvement completed by said city before the passage of this act, nor to any such improvement ordered before the passage of this act so far as the act requires that said board of street commissioners shall estimate on the same day on which the order for the improvement is passed the benefit or advantage to each parcel of real estate from the whole or a part of the improvement, and this act shall not affect any assessment heretofore made therefor or the making of any assessment therefor, or the collection of any such assessment. All such improvements ordered to be made before the twenty-seventh day of June, nineteen hundred and two, the construction of which was not completed until after that date, are to be assessed under this act or under chapter five hundred and twenty-one of the acts of the year nineteen hundred and two, but the omission to make any estimate of the benefit or advantage by an order passed the same day the improvement was ordered shall not in any way invalidate or affect the assessment.

Ways not hereafter to be opened except upon approval, etc.

SECTION 10. After the passage of this act no person or corporation shall prepare or open for public travel in the city of Boston any way, unless its location, direction, width and grades are satisfactory to and have been approved in writing by said board of street commissioners, but all highways in the territory shown on any plan heretofore made by the board of survey or by said street commissioners under the authority of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one shall be in accordance with the location, direction, width and grades shown thereon; and no public sewer, drain, water pipe, or lamp shall be placed in, or public work of any kind done on, any way in any such territory other than in or on the ways shown on the plan or plans of such territory: *provided, however*, that this provision shall not prevent the laying of a trunk sewer or a water or gas main as engineering demands shall require.

Proviso.

Repeal.

SECTION 11. Chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts amendatory thereof, chapter five hundred and

twenty-one of the acts of the year nineteen hundred and two, and all other acts inconsistent herewith are hereby repealed; but such repeal shall not affect in any way the validity of any loans issued under authority of said statutes, or any acts or doings of the street commissioners under said statutes, or any betterments assessed under said statutes, or the powers of the street commissioners of the city of Boston given to them by chapter two hundred and four of the acts of the year eighteen hundred and ninety-six.

Approved May 16, 1906.

AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Chap. 394

Be it enacted, etc., as follows:

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for exterminating the gypsy and brown tail moths, to be expended by the metropolitan park commission during the present fiscal year, the same to be in addition to the sixty-three thousand dollars appropriated by chapter one hundred and thirty-five of the acts of the present year.

Care of certain reservations.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1906.

AN ACT TO EXTEND THE TIME IN WHICH INTOXICATING LIQUORS MAY BE SOLD BY INNOLDERS IN THE CITY OF BOSTON.

Chap. 395

Be it enacted, etc., as follows:

SECTION 1. The second condition of section seventeen of chapter one hundred of the Revised Laws is hereby amended by striking out said condition and inserting in place thereof the following: — Second, that spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning, or on the Lord's day; but if the licensee is also licensed as an innholder, he may between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food or lodging. And, in the city of Boston, such licensed innholder may also, with the consent of the licensing authority and upon the pay-

R. L. 100, § 17, amended.

Conditions relative to sale of intoxicating liquors.

Proviso.

When to take effect.

ment of an additional fee of five hundred dollars, supply such liquors between the hours of eleven and twelve at night, except on the Lord's day, to guests who have resorted to his inn for food or lodging, but only in dining rooms: *provided*, that the number of the permits for selling during the additional hour aforesaid shall not exceed one for every twenty thousand or fraction thereof of the population as ascertained by the last preceding national or state census.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters of the city of Boston voting thereon at the next city election.

Approved May 17, 1906.

Chap. 396 AN ACT TO AUTHORIZE INSURANCE COMPANIES INCORPORATED FOR THAT PURPOSE TO INSURE AGAINST LOSS DUE TO THE EXPLOSION OF FLY WHEELS.

Be it enacted, etc., as follows:

R. L. 118, § 29, cl. 4, amended.

Clause fourth of section twenty-nine of chapter one hundred and eighteen of the Revised Laws is hereby amended by adding at the end thereof the words: — or fly wheels, not, however, to include loss or damage as specified in clause twelfth of this section, — so that said clause will read as follows: —

Damage by steam boiler explosions, etc.

Fourth. To insure against loss or damage to property of the assured, or loss or damage to the life, person or property of another for which the assured is liable, caused by the explosion of steam boilers or fly wheels, not, however, to include loss or damage as specified in clause twelfth of this section.

Approved May 19, 1906.

Chap. 397 AN ACT TO AUTHORIZE THE TOWN OF UXBRIDGE TO INCUR ADDITIONAL INDEBTEDNESS FOR THE PURPOSE OF INCREASING ITS WATER SUPPLY.

Be it enacted, etc., as follows:

Uxbridge Additional Water Loan, Act of 1906.

SECTION 1. The town of Uxbridge, for the purposes mentioned in section five of chapter two hundred and twenty-five of the acts of the year nineteen hundred and four, as amended by section one of chapter two hundred and seventy-seven of the acts of the year nineteen hundred and five, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip, to an amount

not exceeding twenty thousand dollars in addition to the amount of seventy-five thousand dollars heretofore authorized by law to be issued by said town for similar purposes. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the chairman of the selectmen, and shall be denominated on the face thereof, Uxbridge Additional Water Loan, Act of 1906. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and shall make payable annually a fixed proportion of the principal of such bonds, notes or scrip; and the town shall raise annually by taxation the amount required to meet the interest and the proportion of the principal which is payable annually.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1906.

AN ACT TO AUTHORIZE THE TREASURER OF THE COUNTY OF BRISTOL TO EMPLOY CLERICAL ASSISTANCE. Chap.398

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Bristol may employ clerical assistance in his office at an annual expense not exceeding one thousand dollars. Clerical assistance to treasurer of the county of Bristol.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 21, 1906.

AN ACT RELATIVE TO THE EMPLOYMENT OF PUBLIC SCHOOL TEACHERS THROUGH THE STATE BOARD OF EDUCATION. Chap.399

Be it enacted, etc., as follows:

SECTION 1. Any person desiring to teach in the public schools of this Commonwealth may, on payment of a fee of two dollars, file with the state board of education an application in writing stating the kind and grade of the school desired and the experience and training of the applicant, and may file with such application any evidence of the applicant's character and qualifications. Persons desiring to teach in the public schools to file application, etc.

List of appli-
cants to be
arranged.

SECTION 2. It shall be the duty of the board to receive such applications, to make lists of the same arranged for convenient reference, and on request of superintendents of schools and school committees of cities and towns to furnish all reasonable information about such applicants. The board may make reasonable rules and regulations relating to the filing of applications and the giving of information as above provided.

SECTION 3. This act shall take effect upon its passage.

Approved May 21, 1906.

Chap.400 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A DIKE ACROSS
HERRING RIVER IN THE TOWN OF WELLFLEET.

Be it enacted, etc., as follows:

The town of
Wellfleet may
construct a
dike across
Herring river.

SECTION 1. The town of Wellfleet is hereby authorized, subject to the provisions of chapter ninety-six of the Revised Laws, to construct a dike across Herring river in said town, at or near the mouth of the river, provided that the dike shall contain a proper fishway which shall be approved in writing by the commissioners on fisheries and game. For the above purpose the said town is hereby authorized to appropriate such sums as may be necessary, to an amount not exceeding twenty thousand dollars, and to borrow money therefor outside the statutory limit of indebtedness of the town to an amount not exceeding ten thousand dollars, and to issue notes, bonds or scrip therefor.

Bonds, etc., to
be signed by
the treasurer,
etc.

SECTION 2. Such notes, bonds or scrip shall be signed by the treasurer and countersigned by the selectmen of the town, shall bear interest, payable semi-annually, at a rate of not more than four per cent per annum, and shall be payable in such annual proportionate payments as will extinguish the same, with interest, in not more than twenty years from the date or dates of issue. Such annual proportion shall, without further vote, be assessed and collected under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt, including interest, is extinguished. The town may reserve the right to redeem such notes, bonds or scrip at par on any interest-paying day at any time after ten years from their respective dates of issue: *provided*, that this right of redemption is expressed in the notes or bonds themselves; and *provided, also*, that three months before such redemp-

Provisos.

tion is to take effect, public notice thereof shall be given by the treasurer of the town; and, upon the expiration of the said three months, interest on such notes or bonds so to be redeemed shall cease.

SECTION 3. This act shall take effect upon its acceptance by two thirds of the voters of the town voting thereon at a special meeting called for the purpose. The article in the warrant for said special meeting shall read as follows: — "To see if the town will vote to accept the act of nineteen hundred and six authorizing the town of Wellfleet to build a dike across Herring river at an expense not exceeding twenty thousand dollars, and to borrow money therefor within and without the debt limit." The vote thereon shall be by written or printed ballot "Yes", or "No", and the check list shall be used.

When to take effect.

Approved May 21, 1906.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE BANK COMMISSIONER.

Chap.401

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for salaries and expenses in the department of the bank commissioner, from the twenty-sixth day of April up to and including the thirtieth day of November in the year nineteen hundred and six, to wit: —

Appropriations.

For the salary of the bank commissioner, the sum of twenty-nine hundred eighty-six dollars and eleven cents.

Bank commissioner.

For the salary of the deputy of the bank commissioner, the sum of seventeen hundred ninety-one dollars and sixty-seven cents.

Deputy.

For the salary of the secretary of the bank commissioner, the sum of fourteen hundred ninety-three dollars and six cents.

Secretary.

For the salaries of the examiners of the bank commissioner, the sum of fifty-eight hundred eighty-eight dollars and eighty-eight cents.

Examiners.

For the salary of the first clerk of the bank commissioner, the sum of eleven hundred ninety-four dollars and forty-five cents.

First clerk.

For the salary of the second clerk of the bank commis-

Second clerk.

sioner, the sum of eight hundred ninety-five dollars and eighty-four cents.

Third clerk.

For the salary of the third clerk of the bank commissioner, the sum of seven hundred sixteen dollars and sixty-seven cents.

Additional clerks, etc.

For such additional clerks and expert assistance as the bank commissioner may deem necessary, a sum not exceeding fourteen hundred seventy-two dollars and twenty-three cents.

Printing, etc.

For printing, stationery and office supplies of the bank commissioner, a sum not exceeding one thousand dollars.

Travelling expenses.

For travelling expenses of the bank commissioner and his assistants, a sum not exceeding three thousand dollars.

Bills of commissioners of savings banks.

There may be paid from the appropriation for printing, stationery and office supplies and also from the appropriation of travelling expenses, such amounts as may be necessary to meet any outstanding bills of the former commissioners of savings banks.

Repeal.

SECTION 2. Chapter six of the acts of the present year, being "An Act making appropriations for the salaries and expenses of the commissioners of savings banks", is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 21, 1906.

Chap. 402

AN ACT RELATIVE TO THE CHARLES RIVER BASIN.

Be it enacted, etc., as follows:

1908, 485, § 8,
amended.

SECTION 1. Section eight of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three is hereby amended by striking out the words "the preceding", in the third line, by inserting after the word "sections", in the same line, the words:—one, two, three, four, five, six, seven, eleven and twelve, as amended, — and by striking out the words "the first six sections", in the thirteenth line, and inserting in place thereof the words:—sections one, two, three, four, five, six, eleven and twelve, — so as to read as follows:—*Section 8.* The Commonwealth shall in the first instance pay all expenses incurred in carrying out the provisions of sections one, two, three, four, five, six, seven, eleven and twelve, as amended, and the same shall, except as provided in the following section, constitute part of the cost of construction and maintenance of the metropolitan parks system; and

Payment of
expenses.

in addition to the amounts heretofore authorized for such construction the treasurer and receiver general shall, from time to time, as authorized by the governor and council, issue notes, bonds or scrip, in the name and behalf of the Commonwealth, entitled Charles River Basin Loan, to the amount which the commission may deem necessary for the expenses incurred under sections one, two, three, four, five, six, eleven and twelve of this act; and all acts and parts of acts relative to loans for such construction and providing for their payment shall, so far as they may be applicable and not inconsistent herewith, apply to such notes, bonds and scrip, and to their payment.

SECTION 2. Said chapter four hundred and sixty-five is hereby further amended by striking out section nine and inserting in place thereof the following: — *Section 9.* The commissioners appointed under the provisions of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, and amendments thereof, in apportioning the expenses of maintaining the metropolitan parks system shall include as part thereof the expense of maintenance incurred under sections one, two, three, four, five, six, seven, eight, eleven and twelve of this act; shall also determine as they shall deem just and equitable what portion of the total amount expended for construction under sections three, four, five and six of this act shall be apportioned to the cities of Boston and Cambridge as the cost of the removal of Craigie bridge and the construction of a suitable bridge in place thereof, and the remainder shall be considered and treated as part of the cost of construction of the metropolitan park system; and shall also determine as they shall deem just and equitable, what portion of the total amount expended for the cost of construction of the marginal conduit on the south side of the basin and of the embankment and park, provided for by this act, shall be apportioned to the city of Boston as the cost of the construction of said embankment and park, and what portion shall be fixed as the cost of said marginal conduit. The cost of the construction of said embankment and park, as so apportioned, shall be repaid to the Commonwealth by the city of Boston with four per cent interest from the date of said apportionment, and bills for the betterments assessed by the Charles River Basin commission under the provisions of this act shall be listed and committed to the collector of taxes of the city of Boston,

1908, 465, § 9,
amended.

Apportion-
ment of
expenses.

Apportion-
ment of
expenses.

and shall be collected under the same provisions of law as betterments levied for the construction of highways in the city of Boston. All amounts so received by the city of Boston from said betterments shall be applied first toward paying to the Commonwealth said apportionment for the cost of construction of said embankment and park as above provided; and second to the interest and sinking fund requirements of the loan of the city of Boston authorized by this act. The treasurer and receiver general shall determine the payments to be made each year by the cities of Boston and Cambridge, one half by each, to meet the interest and sinking fund requirements for the amounts apportioned to them as the cost of such bridge, and the same shall be paid by each city into the treasury of the Commonwealth as a part of its state taxes. The city treasurer of Boston shall from time to time on the request of the mayor issue and sell bonds of the city to meet the payments to the Commonwealth required by this section, and the bonds so issued shall not be reckoned in determining the statutory limit of indebtedness of the city.

1908, 465, § 11,
amended.

Wall and
embankment
may be built
on Boston side
of Charles
river.

SECTION 3. Said chapter four hundred and sixty-five is hereby further amended by striking out section eleven and inserting in place thereof the following: — *Section 11.* The Charles River Basin commission shall build a wall and embankment on the Boston side of Charles river, beginning at a point in the southwest corner of the stone wall of the Charlesbank, thence running southerly by a straight or curved line to a point in Charles river not more than three hundred feet westerly from the harbor commissioners' line, measuring on a line perpendicular to the said commissioners' line at its intersection with the southerly line of Mount Vernon street, but in no place more than three hundred feet westerly from the said commissioners' line; thence continuing southerly and westerly by a curved line to a point one hundred feet or less from the wall in the rear of Beacon street; thence by a line substantially parallel with said wall, but at no point more than one hundred feet distant therefrom, to the westerly line of the Back Bay Fens extended to intersect said parallel line.

1908, 465, § 12,
amended.

Certain lands,
etc., may be
taken for a
public park.

SECTION 4. Said chapter four hundred and sixty-five is hereby further amended by striking out section twelve and inserting in place thereof the following: — *Section 12.* The Charles River Basin commission shall acquire in fee, or otherwise, by purchase or otherwise, for the city

of Boston, for the purpose of a public park, parkway or street, flats and lands covered by tide water and lying easterly of Charlesgate West by filing in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for identification, signed by a majority of said commission, and shall construct a public park or lay out a parkway or street, on the lands so taken: *provided*, ^{Proviso.} *however*, that nothing herein contained shall authorize the taking for any purpose of Back street, or of any lot or part of any lot on the north side of Beacon street or of any flats or lands covered by tide water south of West Boston bridge and lying between the line of the wall the construction whereof is provided for in section eleven of this act and the Cambridge shore, nor the taking for any purpose but that of a public park of any flats or land covered by tide water between said wall and the sea wall as at present existing; and any person whose property is so taken may have compensation therefor as determined by agreement with the commission, or, in the absence of such agreement, the amount thereof may be determined by a jury in the superior court for the county of Suffolk upon petition therefor by the commissioners or by such person, filed in the clerk's office of said court, against the Commonwealth, and within one year after the taking, and under the same proceedings and provisions of law, so far as they may be applicable, which apply in determining the value of lands taken for highways under chapter forty-eight of the Revised Laws. And because of the construction and maintenance of the embankment and park as herein provided and the establishment of the northerly line thereof as herein finally fixed and defined as the limit of any embankment or construction northerly from Beacon street between the Charlesbank and the Back Bay Fens, said commission shall within two years after the completion of the park as herein provided and defined determine the value of the benefit or advantage, from the establishment of said embankment and park, beyond that resulting to all real estate in the city of Boston, to each parcel of real estate east of the Back Bay Fens bordering upon or near said embankment and park as so completed, and shall assess such betterment upon the said estates so benefited; but such assessments shall in no event exceed in the aggregate one half of the actual cost of construction of said embankment and park, exclusive of the cost of the marginal

conduit, nor the sum of thirty dollars for each lineal front foot of private ownership. Any person aggrieved by such assessment of betterments may within one year thereafter file a petition in the superior court for the county of Suffolk, and after notice to the city of Boston shall have a trial by jury therein, and costs shall be awarded as provided in section seven of chapter fifty of the Revised Laws.

1908, 465, § 12,
amended.

City of Boston
to pay certain
expenses.

SECTION 5. Section thirteen of said chapter four hundred and sixty-five is hereby amended by striking out the words "sections ten, eleven and twelve", in the second line, and inserting in place thereof the words:— section ten,— and by striking out the words "section ten of this act", in the third and fourth lines, and inserting in place thereof the words:— said section ten,— so as to read as follows:— *Section 13.* The city of Boston shall pay the expenses incurred under section ten of this act, except as otherwise provided in said section ten; and to meet said expenses the city treasurer of the city shall, from time to time, on the request of the mayor, issue and sell bonds of the city to an amount not exceeding eight hundred thousand dollars, and the bonds so issued shall not be reckoned in determining the legal limit of indebtedness of the city.

Repeal.

SECTION 6. Chapter three hundred and forty-four of the acts of the year eighteen hundred and ninety-one and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-three are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved May 21, 1906.

Chap. 403 AN ACT RELATIVE TO ARRESTS WITHOUT WARRANT FOR VIOLATIONS OF ORDINANCES OR BY-LAWS.

Be it enacted, etc., as follows:

R. L. 212, § 53,
amended.

Arrest without
a warrant for
violations of

SECTION 1. Section fifty-three of chapter two hundred and twelve of the Revised Laws is hereby amended by inserting after the word "by-law", in the second line, the words:— of such city or town or of any rule or regulation for the government or use of any public reservation, parkway or boulevard made under authority of law by any officer or board in charge thereof,— so as to read as follows:— *Section 53.* Whoever remains in a street or elsewhere in a city or town in wilful violation of an ordinance

or by-law of such city or town or of any rule or regulation for the government or use of any public reservation, parkway or boulevard made under authority of law by any officer or board in charge thereof, and whoever in a street or other public place accosts or addresses another person with profane or obscene language in wilful violation of an ordinance or by-law may be arrested by any officer authorized to serve criminal process in the place where the offence is committed and kept in custody until he can be taken before a court which has jurisdiction of such offence; and if his name is unknown to the officer who makes the arrest, he may be arrested without a warrant.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1906.

AN ACT RELATIVE TO THE DISPOSITION OF THE MONEY RECEIVED FROM MUNICIPALITIES FOR ADMISSION TO THE METROPOLITAN WATER DISTRICT. *Chap.404*

Be it enacted, etc., as follows:

SECTION 1. All sums of money which shall hereafter be received under section three of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, providing for a metropolitan water supply, for the admission of a city or town into the metropolitan water district, shall be applied to the payment of the cost of connecting such city or town with the pipes and works of the metropolitan water district, and after such cost is paid the balance shall be applied by the treasurer and receiver general to the sinking fund established for the payment of bonds issued on account of the metropolitan water district.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 21, 1906.

AN ACT TO AUTHORIZE THE AMERICAN WOOLEN COMPANY OF NEW JERSEY TO ERECT AND MAINTAIN POLES AND WIRES AND FURNISH ELECTRIC LIGHT AND POWER IN THE TOWN OF ACTON. *Chap.405*

Be it enacted, etc., as follows:

SECTION 1. The American Woolen Company of New Jersey is hereby authorized to construct and operate lines

ordinances,
etc.

Sums received
to be applied
to cost of
connecting
water pipes,
etc.

Repeal.

The American
Woolen Com-
pany of New

Jersey may
furnish light
and power
in the town
of Acton.

for the transmission of electricity for the purpose of furnishing light and power upon and along the highways of the town of Acton and to the inhabitants of the said town, and to erect and maintain upon said highways such posts and other fixtures as may be necessary to sustain the wires and other fixtures of its lines, and to erect and maintain upon the highways and public roads in the town of Maynard such posts and other fixtures as may be necessary to sustain the wires and other fixtures of such lines as may be necessary to transmit its power from its power house in said Maynard to said Acton.

To be subject
to general
laws.

Proviso.

SECTION 2. Said American Woolen Company shall however be subject to all general laws now or hereafter in force relating to the erection, maintenance or operation of lines for electric light and power, and to corporations engaged in the sale of electricity for light or power: *provided, however,* that if the town of Acton shall vote to engage in the business of supplying electric light or power as provided in chapter thirty-four of the Revised Laws and acts in amendment thereof, then the said American Woolen Company shall convey to said town upon demand by it all the interest of said company in and to the posts, wires and other fixtures owned or used by the company for the distribution and sale of electricity in the town of Acton and not upon the land of said company, and the town shall be bound to purchase of said company only such posts, wires and fixtures. The town of Acton shall pay to the said woolen company the reasonable value of the posts, wires and fixtures so conveyed, to be determined in the manner provided in chapter thirty-four of the Revised Laws for determining the value of electric lighting plants taken by municipalities under the provisions of said chapter. Upon the conveyance to the town of the posts, wires and fixtures, as herein provided, the authority granted by section one of this act shall cease.

The town to
pay for posts,
etc., conveyed
by the com-
pany.

Company to
appoint a
resident agent.

SECTION 3. The said company shall appoint in writing an agent, who shall reside in the town of Maynard, and whose appointment shall be filed with the town clerk of said town; and service of legal process made upon such agent shall have the same legal effect as if the company were established under the laws of this Commonwealth and such service were made upon the corporation itself.

Failure to pay
an execution,
etc., to be

SECTION 4. A failure or neglect, continuing for fourteen days after demand or notice to its agent appointed as

aforesaid, to pay and satisfy an execution or comply with a decree of court against it, shall be deemed sufficient ground for the forfeiture of its rights under the foregoing provisions of this chapter; such forfeiture to be enforced by information brought by the attorney-general in his discretion.

ground for
forfeiture of
rights.

SECTION 5. The selectmen of said town of Acton, upon the neglect or failure of said company to comply with the provisions of this act, may, after due notice and hearing, revoke any permission or direction given by virtue of the provisions of this act, and order the poles, wires and other fixtures of said company to be removed from said public roads and highways; and all of such poles, wires, fixtures and other property of said company, not removed within a reasonable time thereafter, shall be forfeited to said town.

Permission
may be
revoked, etc.

SECTION 6. The selectmen of said Acton and Maynard shall each have the power at all times to make such regulations in relation to the use and operation of wires and the mode and purpose of use thereof, within the limits of said towns as the public convenience and safety require.

Selectmen may
make certain
regulations.

SECTION 7. This act shall take effect upon its passage.

Approved May 21, 1906.

AN ACT TO PROVIDE FOR AN EXTENSION OF THE SOUTH METROPOLITAN SEWER THROUGH THE DISTRICTS OF WEST ROXBURY, BROOKLINE AND BRIGHTON.

Chap. 406

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board shall construct, maintain and operate as part of the south metropolitan system of sewage disposal, a sewer extending from the corner of Centre and Perkins streets in Jamaica Plain, through West Roxbury, Brookline and as far as Oak Square in Brighton, substantially as outlined in the fourth annual report of said board, and in part execution of the plan outlined in said report.

The south
metropolitan
sewerage
system to be
extended, etc.

SECTION 2. For the purpose of constructing and maintaining this additional sewer, the metropolitan water and sewerage board shall have and exercise all the authority conferred upon the metropolitan sewerage commissioners and their successors by chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine and acts in amendment thereof and in addition thereto, and all the provisions of said chapter and other acts are

Certain powers
conferred, etc.

hereby made applicable to this additional construction, unless herein otherwise provided.

Treasurer and receiver general to issue bonds, etc.

Certain provisions of law to apply.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time bonds in the name and behalf of the Commonwealth, and under its seal, to an amount not exceeding one million one hundred and seventy-five thousand dollars. The provisions of section fourteen of said chapter four hundred and twenty-four and of all acts in amendment thereof and in addition thereto relative to the indebtedness authorized by and incurred under that chapter shall, so far as they may be applicable, apply to the indebtedness authorized by this act, in the same manner as if the said provisions had been inserted herein. Any premium realized on the sale of said bonds shall be paid into the Metropolitan Sewerage Loan Sinking Fund, South System.

Assessment and collection of interest, etc.

SECTION 4. The interest and sinking fund requirements on account of the moneys expended in constructing the extension of the south metropolitan sewer provided for in this act, and the cost and maintenance thereof shall be deemed a part of the interest and sinking fund requirements and costs provided for in said chapter four hundred and twenty-four, and shall be apportioned, assessed and collected in the manner provided by that chapter and by acts in amendment thereof and in addition thereto.

SECTION 5. This act shall take effect upon its passage.

Approved May 21, 1906.

Chap. 407 AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO RECEIVE AND INVEST THE TRUST FUNDS OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS.

Be it enacted, etc., as follows:

The treasurer and receiver general to receive, etc., certain trust funds.

SECTION 1. The treasurer and receiver general is hereby authorized to receive from the treasurer of the trustees of the Lyman and industrial schools the principal of the various trust funds now held by, or hereafter conveyed or bequeathed to the said trustees for the use of any institution of which the said board is or shall be trustees, and upon the request of said trustees he shall expend the income of all such funds, and such part of the principal as may be subject to the control of said trustees, in such manner as

the trustees may direct, subject to any condition affecting the administration thereof. The said funds shall always be invested safely by the treasurer and receiver general, and he shall be held responsible for the faithful management of the same, in the same manner as for other funds held by him in his official capacity.

SECTION 2. The treasurer and receiver general is hereby authorized to receive and hold said trust funds in the form in which the same are now invested, and with the approval of the governor and council he may sell from time to time such of the securities as he may deem it best to sell, re-investing the proceeds in securities which are legal investments for the sinking funds of the Commonwealth.

Funds to be held in same form as now invested.

SECTION 3. Bills for the expenditure of the income or any portion of the principal thereof, as provided for by the various trusts, and requests for payments thereof, shall be filed with the auditor of the Commonwealth, who shall certify the same to the governor and council in accordance with existing laws.

Bills for expenditure to be filed with the auditor.

SECTION 4. All such trust funds now existing shall be paid over by the said trustees to the treasurer and receiver general on or before the first day of June in the year nineteen hundred and six.

Limit of time for paying over funds, etc.

SECTION 5. Except as otherwise provided herein this act shall take effect upon its passage.

When to take effect.

Approved May 21, 1906.

AN ACT RELATIVE TO THE TAKING OF DEPOSITS BY CERTAIN PERSONS, FIRMS AND CORPORATIONS.

Chap. 408

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and twenty-eight of the acts of the year nineteen hundred and five is hereby amended by adding at the end thereof the words: — If any person, firm, member of a firm, or corporation engaged or financially interested in the selling of tickets as aforesaid is also engaged in or financially interested in the business of receiving deposits of money as aforesaid, or if any person, firm, member of a firm, or corporation engaged or financially interested in the business of receiving deposits of money as aforesaid is also engaged or financially interested in the selling of tickets as aforesaid, such person, firm, member of a firm, or corporation shall be held to be subject to the provisions of this

1905, 428, § 1, amended.

Certain corporations,
etc., receiving
deposits to
give bond, etc.

section, under whatever name or by whatever persons the said business of selling tickets or the said business of receiving deposits is carried on, — so as to read as follows: — *Section 1.* All corporations, firms and persons now or hereafter engaged in the selling of steamship or railroad tickets for transportation to or from foreign countries, who in conjunction with said business carry on the business of receiving deposits of money for the purpose of transmitting the same, or equivalents thereof, to foreign countries, shall, before entering into said business or before continuing said business, except as hereinafter provided, make, execute and deliver a bond to the treasurer and receiver general in the sum of fifteen thousand dollars, conditioned for the faithful holding and transmission of any money, or equivalent thereof, which shall be delivered to it or them for transmission to a foreign country. In the case of corporations, firms or persons now engaged in said business, the said bond shall be delivered on or before September first, nineteen hundred and five. If any person, firm, member of a firm, or corporation engaged or financially interested in the selling of tickets as aforesaid is also engaged in or financially interested in the business of receiving deposits of money as aforesaid, or if any person, firm, member of a firm, or corporation engaged or financially interested in the business of receiving deposits of money as aforesaid is also engaged or financially interested in the selling of tickets as aforesaid, such person, firm, member of a firm, or corporation shall be held to be subject to the provisions of this section, under whatever name or by whatever persons the said business of selling tickets or the said business of receiving deposits is carried on.

1905, 428, § 2,
amended.

SECTION 2. Section two of said chapter is hereby amended by striking out the words “and who shall be possessed of property to the value of thirty thousand dollars, over and above all debts and liabilities and property exempt by law from levy and sale under execution”, in the fourth, fifth, sixth, seventh and eighth lines, and by adding at the end of said section the words: — or cash may be accepted in lieu of sureties, — so as to read as follows: — *Section 2.* Said bond shall be executed by said corporations, firms or persons as principal, with at least two good and sufficient sureties who shall be residents and owners of real estate within the Commonwealth. The bond shall not be accepted unless approved by the treasurer

Execution of
bond, etc.

and receiver general, and, upon such approval, it shall be filed in his office. The bond of a surety company may be received if approved as aforesaid; or cash may be accepted in lieu of sureties.

SECTION 3. A suit to recover on a bond required to be filed under the provisions of this act shall be brought in the district, police, municipal or superior court having jurisdiction in the county in which the person, firm or corporation receiving such deposit for transmission to foreign countries has a usual place of business, and within one year of the time of the receipt of such deposit. Suit to recover on bond, etc.

SECTION 4. It shall be the duty of the police of the city or town in which any violation of this act occurs to prosecute the offender. Prosecution of offenders.
Approved May 21, 1906.

AN ACT TO INCORPORATE THE CITY OF WESTFIELD.

Chap. 409

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Westfield, in case of the acceptance of this act by the voters of said town as hereinafter provided, shall continue to be a body politic and corporate, under the name of the City of Westfield, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon the said town as a municipal corporation. City of Westfield incorporated.

SECTION 2. The government of the city and the general management and control of all the fiscal, municipal and prudential affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the board of aldermen; except, however, that the general management and control of all the public schools of the city and the buildings and property pertaining to such schools shall be vested in a school committee. Administration of municipal affairs, etc.

SECTION 3. The territory of the city shall first be divided into six wards, in the manner hereinafter provided. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the board of aldermen, passed with the assent of the mayor at or prior to the making of such division, but the number of wards shall never be less than six. Six wards.

SECTION 4. All meetings of the qualified voters of the city for the purpose of voting at elections and for other municipal or legal purposes shall be called by warrants Meetings, etc.

issued by order of the board of aldermen, which shall be in such form and shall be served and returned in such manner and at such times as the board of aldermen may by ordinance direct.

Municipal
election and
municipal
year.

SECTION 5. The municipal election shall take place annually, on the second Tuesday of December, and the municipal year shall begin on the first Monday of January and continue until the first Monday of the following January.

Certain officers
to be elected,
by ballot, etc.

SECTION 6. At the municipal election there shall be elected by ballot a mayor, city clerk, city treasurer and collector of taxes, aldermen at large and aldermen by wards, and members of the school committee. The mayor, city clerk, city treasurer and collector of taxes, aldermen and school committee shall respectively be elected and hold office as follows:—The mayor, city clerk, city treasurer and collector of taxes for the term of one year and until their successors are elected and qualified; the aldermen at large for the term of one year, and the aldermen by wards for the term of one year; the school committee for the term of two years, except as herein otherwise provided. The board of aldermen shall consist of eleven members until otherwise provided. At every annual election thereafter there shall be elected officers to fill vacancies, and to succeed those whose terms will expire upon the first Monday of January following.

Elections to fill
vacancies.

Meetings for
election of
certain officers.

SECTION 7. All meetings for the election of national, state, county and district officers shall be called by order of the board of aldermen in the same manner as meetings for the municipal elections are called.

Election of
mayor and
aldermen, etc.

SECTION 8. At the municipal election the qualified voters shall, in the several wards, give in their votes by ballot for mayor, city clerk, city treasurer, collector of taxes, members of the board of aldermen and of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

Filling of
vacancies.

SECTION 9. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept the office or shall die before qualifying, or if a

vacancy in the office shall occur more than six months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. In case a vacancy in the office of mayor shall occur within the six months previous to the expiration of his term of office, the board of aldermen may, in its discretion, order a new election to be held as aforesaid to fill the vacancy. If the full number of members of the board of aldermen then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur the board of aldermen may cause a new election to be held as aforesaid to fill the vacancy.

SECTION 10. When a convenient ward room for holding the meetings of the qualified voters of a ward cannot be had within the territorial limits of such ward, the board of aldermen may, in the warrant for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city, and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

Meetings may
be held in
adjacent ward.

SECTION 11. General meetings of the citizens qualified to vote may from time to time be held according to the right secured to the people by the constitution of the Commonwealth; and such meetings may, and upon request in writing of fifty qualified voters setting forth the purposes thereof shall, be called by the board of aldermen.

General
meetings.

LEGISLATIVE DEPARTMENT.

SECTION 12. The board of aldermen shall consist of eleven members, who shall be elected as follows: — One member from each ward to be elected by and from the qualified voters of that ward, and five members at large to be elected by and from the qualified voters of the whole city, all of whom shall be elected for a term of one year. At municipal elections no party or persons shall nominate more than three candidates for aldermen at large, and the five candidates who have the highest number of votes cast

Aldermen,
election, terms,
etc.

for such office shall be declared elected. A majority of the board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day.

Oath of office
of mayor, etc.

SECTION 13. The mayor, city clerk, city treasurer, collector of taxes and aldermen-elect shall annually on the first Monday in January meet and be sworn to the faithful discharge of their duties. The oath shall be administered by a justice of the peace, and shall be certified and entered on the journal of the board of aldermen. In case of the absence of the mayor-elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him; and at any time thereafter in like manner the oath of office shall be administered to any other elected officer who has been previously absent or has subsequently been elected; and every such oath shall be certified and entered as aforesaid.

Organization
of board of
aldermen, etc.

SECTION 14. After the oath has been administered to the aldermen present, they shall be called to order at their first organization by the city clerk, or in case of the absence of the city clerk by the oldest senior member present, who shall preside until the president of the board of aldermen has been elected and qualified. The board of aldermen shall then proceed to elect by ballot one of their number president of the board. If no quorum is present an adjournment shall be taken to a later hour or to the next day, and thereafter the same proceedings shall be had from day to day until a quorum shall be present. If any person receives the votes of a majority of all the members of the board of aldermen, such person shall be declared chosen president of the board. If on the first day on which a quorum is present no person receives the votes of such majority, they shall proceed to ballot until some person receives the votes of such majority or until an adjournment to the succeeding day is taken, and on such succeeding day a plurality of those voting shall be sufficient for an election. No other business shall be in order until a president is chosen. The president shall be sworn by the city clerk, or in case of the absence of the clerk, by a justice of the peace. The president of the board of aldermen shall have the same right to vote as any other member thereof.

Clerk of board
of aldermen,
election, etc.

SECTION 15. The board of aldermen, as soon as may be after the election of the presiding officer aforesaid, shall

elect by ballot a clerk of the board of aldermen, and a city auditor. The terms of said officers shall begin upon their election and qualification, and continue until their respective successors are elected and qualified. The city treasurer may also be city collector. The collector of taxes shall have and exercise all the powers of collectors of taxes, and such other powers as the board of aldermen shall by ordinance determine.

SECTION 16. Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session, provided that no member of the board objects thereto; but if one or more members object, the measure shall be postponed for that meeting; and if when it is next brought up five or more members object to its passage at that meeting, a second postponement of at least one week shall be made.

Ordinances,
orders, etc.

SECTION 17. Every ordinance, order, resolution or vote of the board of aldermen required by law to be presented to the mayor shall be presented by the clerk of said board to the mayor for his approval in writing; and thereupon the same proceedings shall be had as are provided by law in relation to similar ordinances, orders, resolutions or votes of a board of aldermen. The clerk shall hold every such ordinance, order, resolution or vote twenty-four hours, Sundays and legal holidays excepted; and if during such time notice of a motion to reconsider is filed with the clerk by any member entitled to make such motion, the ordinance, order, resolution or vote shall be presented to the board at its next meeting; otherwise it shall be presented to the mayor at the expiration of said twenty-four hours.

Approval of
ordinances,
etc.

SECTION 18. The board of aldermen may hold a special meeting at any time without previous notice when all the members have assembled, and at such meeting any business may be transacted, provided that no member of the board objects thereto.

Special meet-
ings of board
of aldermen.

SECTION 19. Every person who is elected and every person who is appointed by the mayor to an office shall receive a certificate of such election or appointment from the city clerk; and, except as otherwise provided by law, before performing any act under his election or appointment, he shall take and subscribe an oath to qualify him to enter upon his duties. A record of such oath shall be made by the city clerk. Any oath required by this act

Certificate of
election, etc.

may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept, and shall be open to the inspection of the public.

BOARD OF ALDERMEN.

Board of aldermen to determine rules for its proceedings, etc.

SECTION 20. The board of aldermen shall determine the rules of its own proceedings, and shall be the judge of the election and qualifications of its members. In case of the absence of the president, the board of aldermen shall choose a president pro tempore, and a plurality of the votes cast shall be sufficient for a choice. The board of aldermen shall sit with open doors, whether in session as a board of aldermen or as a committee of the whole, and shall cause a journal of its proceedings to be open to public inspection. The vote of the board of aldermen upon any question shall be taken by roll call when the same is requested by at least five members. The board of aldermen shall, so far as is not inconsistent with this act, have and exercise all the legislative powers of towns, have all the powers and be subject to all the liabilities of city councils and of either branch thereof, under the general laws of the Commonwealth, and shall have all the powers granted to the town of Westfield or to any board thereof by any special legislative act; and it may by ordinance prescribe the manner in which such powers shall be exercised. The members thereof shall receive no compensation for their services as members of the board of aldermen or as any committee of the board of aldermen.

Powers, etc.

Employment of labor, etc.

SECTION 21. Neither the board of aldermen nor any member or committee thereof shall take part, directly or indirectly, in the employment of labor, the making of contracts, or the purchase of materials or supplies for the city; nor in the construction, alteration or repair of any public works, buildings or other property; nor in the care, custody or management of the same; nor in the conduct of any of the executive or administrative business of the city; nor in the appointment or removal of any officers of the city, except as herein otherwise provided; but nothing in this section shall affect the powers or duties of the board of aldermen in relation to state aid to disabled soldiers and sailors and to the families of those killed in the war of the rebellion or in any war of the United States.

SECTION 22. The board of aldermen shall appropriate annually, before the first day of April, the amount necessary to meet the expenditures of the city for the current financial year. In making such appropriations it shall have an itemized and detailed statement from the mayor of the moneys required, and shall make such appropriations in detail, clearly specifying the amount to be expended for each particular purpose. It shall take care that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all city officials entrusted with the receipt, custody or disbursement of money, and from each employee of the city entrusted with the same. It shall as often as once a year, at least ten days prior to the annual election, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city, and a schedule of all city property and of the city debt. The board of aldermen may appropriate money from time to time in aid of the Noble Hospital, and in return for such appropriation the hospital shall receive persons for the reception of whom the city might lawfully erect, establish and maintain a hospital. The board of aldermen shall annually nominate, on or before the first day of May, not more than seven persons to be elected as directors of the public library, known as the Westfield Athenæum.

Appropriations.

SECTION 23. All votes of the board of aldermen making appropriations or loans of money shall be in itemized form; and when brought before the board of aldermen on recommendation of the mayor, no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative vote of two thirds of all the members of the board of aldermen.

Votes making appropriations to be itemized.

SECTION 24. The board of aldermen shall, by a two thirds vote of all the members thereof, have power within said city to make and establish ordinances and by-laws, and to affix penalties as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however*, that all laws and regulations now in force in the town of Westfield shall remain in force until they expire by limitation, or until they are revised or repealed by the board of aldermen. Complaint for the breach of any ordinance or by-law may be made by the mayor or

Ordinances and by-laws.

Proviso.

by any head of a department or by any resident of the city.

Laying out,
etc., of streets,
etc.

SECTION 25. The board of aldermen shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of all streets, ways and highways within the limits of the said city, and to assess the damages sustained by any person thereby, and, except as herein otherwise provided, to act in all matters relating to such laying out, locating anew, altering or discontinuing. Any person aggrieved by the assessment of his damages, or by other action of the board of aldermen under this section, shall have all the rights and privileges now allowed by law in such cases in appeals from the decisions of the selectmen of towns.

Jurisdiction
of county com-
missioners.

SECTION 26. Nothing in this act shall be construed to affect the jurisdiction of the county commissioners.

Members of
board of
aldermen not
to hold other
office.

SECTION 27. No member of the board of aldermen shall hold any other office in or under the city government, or have the expenditure of any money appropriated by the board of aldermen, or act as counsel in any matter before the board of aldermen or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the board of aldermen during any municipal year within which he was alderman, until after the expiration of the succeeding municipal year.

Certain ordi-
nances, etc.,
to be presented
to the mayor
for approval.

SECTION 28. Every order involving the appropriation or expenditure of money or the raising of a tax, and every ordinance, order, resolution or vote of the board of aldermen, shall be presented to the mayor, except such as relate to the internal affairs of the board of aldermen, to its own officers and employees, or to the election or duties of the auditor. If the mayor approves thereof, he shall signify his approval by signing the same; if he does not approve thereof, he shall return it, with his objections in writing, to the board of aldermen. The board of aldermen shall enter the objections of the mayor at large upon its records, and shall reconsider such ordinance, order, resolution or vote; and if after such reconsideration two thirds of all the members of the board of aldermen agree, notwithstanding such objections, to pass the same, it shall be in force. If such ordinance, order, resolution or vote includes several items or sums, the mayor may approve particular items or sums and disapprove others; and in case of such disapproval, the part approved shall be in force,

in like manner as if the items or sums disapproved had never been a part thereof; and the mayor shall return a statement of the items or sums disapproved to the board of aldermen. The items or sums so disapproved shall not be included in the appropriation unless passed as hereinbefore provided. If such ordinance, order, resolution or vote, or a statement as to the several items or sums thereof, be not returned by the mayor within ten days after the presentation to him, it shall be in force. Every vote taken under the provisions of this section shall be determined by the yeas and nays. A filing with the city clerk shall be considered a return to the board of aldermen.

EXECUTIVE DEPARTMENT.

SECTION 29. The executive powers of the city shall be vested solely in the mayor, except as herein otherwise provided, and may be exercised by him either personally or through the several officers or boards of the city in their respective departments, under his general supervision and control. The terms of office of such officers shall be as follows:—Assessors and overseers of the poor first appointed hereunder, one, two and three years, respectively, and thereafter three years; assistant assessors, one year; other appointed officers, for such terms as shall be provided by ordinance. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept; and for that purpose, and to aid him in his official duties, he may appoint one or more assistants and define their duties, and shall fix their salaries, subject to the approval of the board of aldermen. The salary of the mayor shall not be changed during his term of office.

Executive powers vested in mayor.

Terms of certain officers.

SECTION 30. The mayor may in writing suspend any executive officer or any public work, and in such case he shall at once report his action and his reasons therefor to the board of aldermen. The suspension of any such officer shall, in fifteen days after such report is made, be a removal, unless within that time he asks for a hearing before the mayor and the board of aldermen, which shall forthwith be granted, and be public; and upon the conclusion of such hearing, if the mayor shall determine that the suspension be not sustained, the officer shall at once be reinstated. Public work suspended by the mayor may be carried on

Mayor may suspend executive officer, etc.

at his discretion until action is taken by the board. If the board within fifteen days after receiving the report shall determine by a vote of two thirds of all its members that the mayor's action suspending the work be not sustained, the work shall be prosecuted forthwith.

Mayor may call special meetings of board of aldermen, etc.

SECTION 31. The mayor shall communicate to the board of aldermen such information and shall recommend such measures as in his judgment the interests of the city require. He may at any time call a special meeting of the board of aldermen by causing a notice of such meeting, specifying the subjects which he desires to have considered, to be deposited in the post office, postpaid, or left at the usual place of residence of each alderman, or given to him in hand at least twenty-four hours before the time appointed for such meeting, or in case of emergency, of which he shall be the judge, within such time as he may deem sufficient.

By whom duties may be performed in case of disability of mayor.

SECTION 32. Whenever by reason of sickness or other cause the mayor shall be disabled from performing the duties of his office, the president of the board of aldermen, or in the event of his disability the president pro tempore shall become acting mayor during the period that the mayor is so disabled. The acting mayor shall during the continuance of such disability have all the rights and powers of mayor, except that he shall not when so acting make any permanent appointment or removal unless such disability of the mayor has continued for a period of sixty days, and in that case such appointment or removal shall be subject to the approval of the board of aldermen; nor shall he approve or disapprove any ordinance, order, resolution or vote until within twenty-four hours of the time when it would take effect without the approval of the mayor. During such period such acting mayor shall lose his vote as a member of the board of aldermen.

Vacancy in office of mayor.

SECTION 33. Whenever there shall be a vacancy in the office of mayor, the president of the board of aldermen, or in the event of his disability the president pro tempore, shall act as mayor, and possess all the rights and powers of mayor during such vacancy, except that when so acting as mayor he shall not have the power of appointment or removal unless authorized thereto in any instance by a vote of the board of aldermen.

DEPARTMENTS AND OFFICERS.

SECTION 34. There shall be the following departments Departments,
etc. and officers in the city of Westfield: —

(1) The assessing department, to be under the charge Assessing. of the board of assessors, which shall consist of three members, to be elected by the board of aldermen, one for the term of three years, one for the term of two years and one for the term of one year; and after the second municipal election held after the provisions of this act, and after each municipal election thereafter, there shall be one assessor elected by the board of aldermen for the term of three years.

(2) The charity department, to be under the charge of Charity. the overseers of the poor, which shall consist of three members, to be appointed by the mayor and confirmed by the board of aldermen. The three members thus appointed shall appoint a city almoner. The mayor shall also appoint a city physician for the term of one year, subject to confirmation by the board of aldermen.

(3) The health department, to be under the charge of Health. the board of health, which shall consist of three members, to be appointed by the mayor and confirmed by the board of aldermen.

(4) The law department, to be under the charge of the Law. city solicitor, who shall be appointed by the mayor for the term of one year and confirmed by the board of aldermen.

(5) The fire department, to be under the charge of the Fire. chief of the fire department, to be appointed by the mayor for the term of one year and confirmed by the board of aldermen.

(6) The police department, to be under the charge of Police. the city marshal, to be appointed by the mayor for the term of one year and confirmed by the board of aldermen.

The number of members of the police force shall be determined by the board of aldermen. The members of the police force shall be appointed by the mayor, subject to confirmation by the board of aldermen, and shall be divided, as nearly as possible, into four equal divisions, at the time of the first appointment, one division to serve for a term of one year, one division for a term of two years, one division for a term of three years and one division for a term of four years from the date of confirmation and

until their respective successors are confirmed. And thereafter, as the terms of the regular police officers so appointed expire, the mayor shall appoint their successors for a term of four years, subject to confirmation by the board of aldermen.

Street, sewer
and water.

(7) The street, sewer and water department, to be under the charge of a superintendent, to be appointed by the mayor for the term of one year and confirmed by the board of aldermen. He shall have charge of the design, construction, alteration, repair, maintenance and management of the public sewers and drains, the public water works, the public ways, sidewalks and bridges, public parks, squares and playgrounds and the lighting and watering thereof; also the public buildings, excepting, however, such duties with reference to the school buildings as are now conferred by law and this act upon the school committee. He shall have the care and custody of all plans, surveys, measurements and levels pertaining to the public ways, drains, sewers, public water works and lands, and shall perform such other duties as the board of aldermen may prescribe, subject to the approval of the mayor. He shall appoint such superintendents as his work may require.

All revenues from the public water works shall be turned over to the city treasurer.

City clerk.

(8) The city clerk department, to be under the charge of the city clerk.

Treasury.

(9) The treasury department, to be under the charge of the city treasurer.

Collecting.

(10) The collecting department, to be under the charge of the collector of taxes.

Auditing.

(11) The auditing department, to be under the charge of an auditor, to be appointed by the mayor for the term of one year, subject to confirmation by the board of aldermen.

Executive
departments,
etc.

The departments provided for in the first seven clauses of this section shall be executive departments, and the heads thereof shall be executive officers.

Additional
boards may be
established,
etc.

SECTION 35. The board of aldermen may from time to time, subject to the provisions of this act, and in accordance with general laws if they exist in any particular case, provide by ordinance for the establishment of any additional boards and other offices, for the management and control of a public hospital, for the consolidating or abolishing of any boards or departments and for other municipal

purposes; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and officers the administrative powers given by general laws to city councils and boards of aldermen. It shall be the duty of the mayor to appoint, on or before the first Monday in February of each year, all the officers above specified, and, unless otherwise provided, all those for whom provision shall hereafter be made, in accordance with the provisions of this section; and their terms of office shall begin on the first Monday in February, and shall continue for one year, or for such other period as the board of aldermen shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall first be appointed hereunder shall begin respectively upon their appointment and qualification. Every administrative officer shall, unless sooner removed, hold office until his successor is appointed and qualified. All salaries and the compensation of all employees may be fixed by ordinance by the board of aldermen, except where otherwise provided herein.

Salaries, etc.

GENERAL PROVISIONS.

SECTION 36. The mayor shall as often as once in each month call together for consultation upon the affairs of the city the heads of departments, who shall, whenever called upon, furnish such information relative to their respective departments as he may request.

Mayor may call together heads of departments.

SECTION 37. The mayor shall in the month of January in each year cause to be made to him by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates in writing of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of January; and he shall, not later than the first week in February, transmit such estimates to the board of aldermen, recommending appropriations for each department or purpose as he shall deem necessary therefor.

Estimates, etc.

SECTION 38. Every officer of the city shall, at the request of the board of aldermen, give to it such information in writing or in person as it may require in relation to any matter, act or thing connected with his office or employment.

Officers to give information, etc.

Sums appropriated for a specific purpose not to be expended for any other purpose.

Proviso.

Streets not to be dug up without approval of superintendent, etc.

Proposals for work to be advertised.

SECTION 39. No sum appropriated for a specific purpose shall be expended for any other purpose; and no expenditures shall be made or liability incurred by or in behalf of the city until an appropriation has been duly voted by the board of aldermen sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation, except in accordance with the written recommendation of the mayor to the board of aldermen, approved by a majority of the whole board of aldermen, the vote to be taken by yeas and nays: *provided, however*, that after the expiration of the financial year and until the passage of the annual appropriations the mayor may authorize each of the administrative officers and boards to incur liabilities to an amount not exceeding one fifth of the total sum appropriated for the same purpose in the preceding year, and such liabilities shall be paid from the annual appropriations subsequently made. Every bill, pay roll or voucher covering an expenditure of money shall be approved by the signatures thereon of a majority of the board or committee having control of or incurring such expenditure; and after such approval, such bills, pay rolls or vouchers shall be turned over to the auditor.

SECTION 40. No public streets shall be dug up without first obtaining the written approval of the superintendent of the street, sewer and water department. No person or corporation, except officers and employees of the executive department, shall dig up any public street without first furnishing to the city sufficient security for restoring it to a condition which shall be satisfactory to the city engineer and to said superintendent, and for keeping the street in such condition for six months after the completion of the work.

SECTION 41. Whenever mechanical or other work is required to be done or supplies are required for the city at a cost amounting to five hundred dollars or more, the board or committee having the matter in charge shall invite proposals therefor by advertisements, which advertisements shall state the time and place of opening the proposals, and shall reserve the right to reject any or all proposals. Every proposal for doing such work or making such sale shall be accompanied by a suitable bond or certificate of deposit for the faithful performance of the same; and all such proposals shall be kept by the officer or board invit-

ing the same, and shall be open to public inspection after they have been accepted or rejected.

SECTION 42. All contracts made by any department of the city, when the amount involved is one hundred dollars or more, shall be made in writing; and no such contract shall be deemed to have been made or executed until the approval of the mayor and of the department making such contract is affixed thereto. Any contract made as aforesaid may be required to be accompanied by a bond with securities satisfactory to the board or committee having the matter in charge, or by a deposit of money or other security for the faithful performance thereof, and such bonds or other security shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond and the officer or board making the contract, with the approval of the mayor affixed thereto. If the amount involved is between one hundred and five hundred dollars, such bond or deposit may be required.

Contracts.

SECTION 43. No vote of the board of aldermen authorizing an issue of bonds or a permanent loan, except for the purpose of refunding or renewing, replacing or paying any portion of the municipal indebtedness, shall become operative until thirty days after the final passage of said vote by the board of aldermen, approved by the mayor. If within said period of thirty days a petition of one hundred legal voters of the city shall be filed with the city clerk, asking that the question of the authorization of such issue or loan be submitted to the voters of the city at large, the city clerk shall transmit such petition to the board of aldermen, and the question shall be submitted to the qualified voters of the city voting at large in their respective voting places at the next annual municipal election. A special election for voting upon said question may, however, be called by vote of two thirds of the board of aldermen, with the approval of the mayor. If the act of the mayor and aldermen authorizing such issue or loan be approved by a majority of the legal voters of the city voting upon the question, such act shall at once become operative; but if not so approved such act shall have no effect. If such petition be not filed within said period of thirty days, the act of the mayor and aldermen authorizing such issue or loan shall become operative upon the expiration of said

Question of issue of bonds to be submitted to vote in certain cases.

period. Nothing in this section shall apply to debts for temporary loans made under authority of statute.

Bonds, etc., to
be signed by
the treasurer.

SECTION 44. All bonds and notes issued by the city shall be signed by the treasurer and countersigned by the mayor, and any coupons attached thereto shall bear the signature of the treasurer or a facsimile thereof.

Division of
town into
wards, etc.

SECTION 45. Upon the acceptance of this act the selectmen of said town then in office shall forthwith divide the territory thereof into six wards, so that the wards shall contain, as nearly as may be consistent with well-defined limits, an equal number of voters, and they shall designate the wards by number. The selectmen, for the purpose of the first municipal election, which shall take place on the second Tuesday in December next succeeding the acceptance of this act, shall provide suitable polling places, and give notice thereof, and shall at least ten days before such second Tuesday in December appoint all proper election officers therefor; and they shall in general have the powers and perform the duties of the mayor and board of aldermen of cities, under chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-eight, and acts in amendment thereof and in addition thereto, the provisions of which, so far as they may be applicable, shall apply to said election; and the town clerk shall perform the duties therein assigned to city clerks. The registrars shall cause to be prepared and published according to law lists of qualified voters in each of the wards established by the selectmen.

Certain laws
to continue
in force.

SECTION 46. All by-laws relating to the town of Westfield at the time of the passage of this act shall, until amended or repealed, continue in force in the city of Westfield, so far as they are not inconsistent herewith.

Rights pending
not affected.

SECTION 47. The passage of this act shall not affect any right, accruing or accrued, or any suit, prosecution or other legal proceeding pending at the time when this act shall go into operation, wherein the town of Westfield is a party or in any way interested, and no penalty for forfeiture previously incurred shall be affected thereby. All persons holding office in said town when this act takes effect shall continue to hold the same, notwithstanding the passage thereof, until the organization of the city government shall be effected, and until the successors of such officers respectively shall be elected, or appointed, and qualified.

SECTION 48. The provisions of section three of chapter twenty-seven and of section fifty-four of chapter twelve of the Revised Laws and of acts in amendment thereof and in addition thereto, shall not apply to the city of Westfield until the first day of January in the year nineteen hundred and seven.

R. L. 12, § 54, and 27, § 8, etc., not to apply.

SECTION 49. The selectmen shall notify the persons elected at said first election, and shall provide and appoint a place for the first meeting of the mayor and board of aldermen on the first Monday in January next ensuing; and shall, by written notice left at their respective places of residence at least twenty-four hours prior to such meeting, notify the mayor-elect, aldermen-elect, city clerk, city treasurer and collector of taxes, who shall immediately proceed to organize and carry into effect the provisions of this act, which shall then have full force and effect. The selectmen shall in like manner appoint a place and time for the first meeting of the school committee, and notify the members thereof. Nothing hereinafter shall affect the annual meeting in said town for the election of national, state, district and county officers, which may be held next after the acceptance of this act.

Selectmen to notify persons elected, etc.

SCHOOLS.

SECTION 50. The management and control of the schools of the city shall be vested in a school committee, which shall consist of six members, to be elected by the qualified voters of the whole city, and shall hold office for the term of two years. At the first municipal election held under this act six members shall be elected, three to hold office for the term of two years and three for the term of one year, but no political party shall nominate more than two of the three candidates for each of said terms. At every municipal election to be held thereafter three members shall be elected in accordance with the provisions hereof, but no political party shall nominate more than two candidates for this office.

School committee, election, term, etc.

SECTION 51. Whenever a vacancy shall occur in the membership of the school committee, the mayor shall call a joint meeting of the board of aldermen and the school committee. The president of the board of aldermen shall preside at such meeting, and the vacancy shall be filled by vote of a majority of all the members of the two bodies.

Vacancies.

The term of the person thus chosen shall terminate with the end of the current municipal year. At the annual municipal election next following such choice the vacancy shall be filled for the remainder, if any, of the unexpired term in the same manner as the member whose office is vacant was elected.

Chairman
and secretary
of school
committee.

SECTION 52. The school committee shall meet at the school committee rooms on the first Tuesday in each year, at which time, or as soon thereafter as may be possible, it shall choose by ballot a chairman and a secretary, and the votes of a majority of the whole board shall be necessary in order to elect. At the same time it shall elect one of its number to represent the school committee before the board of aldermen. Such representative shall have the right to be heard on all matters concerning school legislation and the appropriation of money therefor, but shall have no vote.

Committee to
be judge of
qualifications
of its members,
etc.

SECTION 53. The school committee shall be the judge of the election and qualifications of its members, and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. It may elect a superintendent of schools, who may also act as secretary, and such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; it may define their terms of service and duties, and fix their compensation; it may also remove any official whenever in its judgment the good of the schools will be conserved thereby.

Estimates, etc.

SECTION 54. In the month of January of each year the school committee shall submit to the mayor an estimate in detail of the amount which it deems necessary to expend for the care and maintenance of the schools during the succeeding financial year; and the mayor shall transmit the same, with the estimates of other departments, to the board of aldermen, and shall recommend such appropriations as he shall deem necessary. Unless otherwise required by law, the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the aggregate appropriation granted by the board of aldermen; except that for each month after the expiration of the fiscal year, and before the regular annual appropriations shall have been made, liabilities payable

out of the regular appropriation may be incurred to an amount not exceeding one tenth of the aggregate appropriation made in the preceding year. But the school committee may expend any and all moneys which may be paid by the trustees of Westfield Academy, or paid, given or bequeathed by any person to the said city for its public schools.

SECTION 55. In addition to the exercise of the powers and the discharge of the duties imposed by law upon such bodies, the school committee shall be the original judge of the expediency and necessity of improved school accommodations. Whenever in its opinion an additional school-house is required, the school committee shall send a written communication to the board of aldermen, stating the locality, the nature of the further provisions needed and the approximate cost therefor. The board of aldermen shall have the right to obtain land for school purposes, but no lot of land shall be thus secured until the same shall have been approved by the school committee. When money for such new schoolhouse shall have been appropriated by the board of aldermen, and such land shall have been obtained, the mayor shall appoint a building committee of three, one of whom shall be a member of the school committee, which shall have charge of the same; but no contract shall be made for the erection of a school building or for the furnishing thereof until the plans for such building or furnishings shall have been approved by the school committee. The care, alteration, repairs and enlargement of all existing school buildings shall be under the exclusive control of the school committee; but no member of the said committee shall be financially interested in any matter pertaining to school affairs.

Additional
school accom-
modations, etc.

SECTION 56. The members of the school committee of the town of Westfield holding office at the time of the passage of this act shall continue in power until the organization of the school committee to be elected under the provisions of this act, at which time their powers and duties shall cease.

School com-
mittee of town
of Westfield to
hold office
until, etc.

SECTION 57. The question of the acceptance of this act shall be submitted to the legal voters of said town at the state election in the year nineteen hundred and six. At such meeting the polls shall be open not less than eight hours; and the vote shall be taken by ballot, in accordance with the provisions of chapter five hundred and forty-eight

Acceptance
of act.

of the acts of the year eighteen hundred and ninety-eight, and acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question: "Shall an act passed by the general court in the year nineteen hundred and six, entitled 'An Act to incorporate the city of Westfield', be accepted?" and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance.

When to take effect.

SECTION 58. So much of this act as authorizes its submission to the voters of said town shall take effect upon its passage, but it shall not take further effect unless accepted by said town as herein provided.

Approved May 21, 1906.

Chap. 410 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified, to wit: —

Publication of special laws.

For the preparation for publication and the publication of certain special laws, the same to include necessary clerical assistance, as authorized by chapter thirty-six of the resolves of the present year, a sum not exceeding five thousand dollars.

Report of committee, etc.

For printing the report of the committee appointed to consider the adjustment of the price of gas to consumers and the rate of dividends to stockholders of gas companies, as authorized by chapter thirty-seven of the resolves of the present year, a sum not exceeding one hundred dollars.

Milo B. Stearns.

For Milo B. Stearns, as authorized by chapter thirty-nine of the resolves of the present year, the sum of five hundred dollars.

George Mesick.

For George Mesick, as authorized by chapter forty of the resolves of the present year, the sum of three hundred fifty dollars and eighty-three cents.

Massachusetts Agricultural College.

For certain additions and improvements at the Massachusetts Agricultural College, as authorized by chapter forty-one of the resolves of the present year, a sum not exceeding seventy-five thousand three hundred dollars.

For Lemuel D. Burr and Anna Burr, as authorized by chapter forty-four of the resolves of the present year, the sum of one hundred and fifty dollars.

Lemuel D. and Anna Burr.

For certain payments to the officers and enlisted men of companies A, H, I and L, of the fifth regiment of the volunteer militia, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding two hundred eighty-six dollars and thirty-two cents.

Certain officers of the militia.

For expenses in connection with an exhibition of the means and methods of treating and preventing tuberculosis, as authorized by chapter forty-seven of the resolves of the present year, the sum of six hundred ninety-seven dollars and twenty-five cents.

Treatment, etc., of tuberculosis.

For certain repairs at the reformatory prison for women, as authorized by chapter forty-eight of the resolves of the present year, a sum not exceeding five thousand dollars, to be paid out of the Reformatory Prison for Women Industries Fund.

Reformatory prison for women.

For the salary of the chief engineer and other employees in the engineer's department, a sum not exceeding six hundred forty-one dollars and sixty-seven cents, as authorized by chapter two hundred and thirty-two of the acts of the present year, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salaries in engineer's department.

For the salary of the assistant register of probate for the county of Berkshire, as authorized by chapter two hundred and sixty-five of the acts of the present year, a sum not exceeding ninety-one dollars and sixty-six cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Assistant register of probate county of Berkshire.

For the salary of the judge of probate and insolvency for the county of Bristol, a sum not exceeding one hundred eighty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Judge of probate, etc., county of Bristol.

For the salary of the judge of probate and insolvency for the county of Hampden, a sum not exceeding one hundred eighty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of Hampden.

For the salary of the judge of probate and insolvency for the county of Plymouth, a sum not exceeding two hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of Plymouth.

Register of
probate, etc.,
county of
Bristol.

For the salary of the register of probate and insolvency for the county of Bristol, a sum not exceeding one hundred eighty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of
Hampden.

For the salary of the register of probate and insolvency for the county of Hampden, a sum not exceeding one hundred eighty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of
Norfolk.

For the salary of the register of probate and insolvency for the county of Norfolk, a sum not exceeding one hundred eighty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of
Plymouth.

For the salary of the register of probate and insolvency for the county of Plymouth, a sum not exceeding one hundred eighty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Assistant
register of
probate, etc.,
county of
Bristol.

For the salary of the assistant register of probate and insolvency for the county of Bristol, a sum not exceeding ninety-one dollars and sixty-six cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of
Hampden.

For the salary of the assistant register of probate and insolvency for the county of Hampden, a sum not exceeding ninety-one dollars and sixty-six cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

County of
Norfolk.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, a sum not exceeding ninety-one dollars and sixty-six cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Massachusetts
reformatory.

To provide for certain repairs at the Massachusetts reformatory, as authorized by chapter forty-nine of the resolves of the present year, a sum not exceeding eight thousand dollars, to be paid out of the Massachusetts Reformatory Industries Fund.

State prison.

To provide for certain repairs at the state prison, as authorized by chapter fifty of the resolves of the present year, a sum not exceeding five thousand dollars, to be paid out of the State Prison Industries Fund.

For the publication of the proceedings at the Franklin bi-centennial celebration, as authorized by chapter fifty-one of the resolves of the present year, a sum not exceeding seven hundred dollars.

Franklin bi-centennial celebration.

For expenses in connection with the making of annual returns by cities and towns to the bureau of statistics of labor, as authorized by chapter two hundred and ninety-six of the acts of the present year, a sum not exceeding seventeen hundred and fifty dollars.

Certain returns of cities and towns.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter fifty-three of the resolves of the present year, the sum of sixty thousand dollars.

Trustees of Soldiers' Home.

For an investigation of block or other signals and safeguards for use upon steam railroads, as authorized by chapter fifty-four of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Signals, etc., on steam railroads.

To provide for investigating and testing safety and other devices for use upon street cars, as authorized by chapter fifty-five of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Safety devices, etc.

For the New Bedford textile school, as authorized by chapter fifty-six of the resolves of the present year, the sum of eighteen thousand dollars.

New Bedford textile school.

For a water supply and other expenses at the hospital prison in Rutland, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding five thousand dollars, to be paid out of the State Prison Industries Fund.

Water supply of hospital prison at Rutland.

For a comparative investigation of drawn and undrawn poultry when shipped or stored, as authorized by chapter fifty-nine of the resolves of the present year, a sum not exceeding three thousand dollars.

Drawn and undrawn poultry.

For additional clerical assistance in the office of the tax commissioner, as authorized by chapter three hundred and twenty-two of the acts of the present year, a sum not exceeding seventeen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Tax commissioner, clerical assistance.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Deputy sealer of weights, measures, etc.

For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the

Expenses of treasurer and receiver general.

act imposing a tax on collateral legacies and successions, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1906.

Chap. 411 AN ACT RELATIVE TO THE AMOUNT TO BE SET ASIDE FOR DEPRECIATION OF MUNICIPAL GAS AND ELECTRIC PLANTS.

Be it enacted, etc., as follows:

R. L. 34, § 21,
etc., amended.

Estimates of
income and
expenses to
be furnished
annually.

Excess to
be included
in annual
appropriations,
etc.

SECTION 1. Section twenty-one of chapter thirty-four of the Revised Laws, as amended by section four of chapter four hundred and ten of the acts of the year nineteen hundred and five, is hereby further amended by striking out the word "five", in the tenth line, and inserting in place thereof the word: — three, — and by inserting after the word "plant", in the tenth line, the words: — exclusive of land and any water power appurtenant thereto, — so as to read as follows: — *Section 21.* Prior to the beginning of each fiscal year the manager of the plant shall furnish to the mayor, selectmen or municipal light board, if any, an estimate of the income from sales of gas and electricity to private consumers during the ensuing fiscal year and of the expense of the plant during said year, meaning the gross expenses of operation, maintenance and repair, the interest on the bonds, notes or scrip issued to pay for the plant, an amount for depreciation equal to three per cent of the cost of the plant, exclusive of land and any water power appurtenant thereto, or such smaller or larger amount as the board of gas and electric light commissioners may approve, the requirements of the sinking fund or debt incurred for the plant, and the loss, if any, in the operation of the plant during the preceding year. The excess of the expense thus defined and estimated over the estimated income from sales to private consumers shall be included by the city or town in its annual appropriations for maintenance and in the tax levy. By cost of the plant is intended the total amount expended on the plant to the beginning of the fiscal year, for any purpose for which bonds, notes or scrip may be issued under sections seven and eight of this chapter. By loss in operation is intended the difference between the actual income from private consumers plus the appropriations for maintenance

for the preceding fiscal year and the actual expense of the plant, reckoned as above, for that year in case such expense exceeded the amount of such income and appropriation. The income from sales and the money appropriated as aforesaid shall be used to pay the annual expense of the plant, defined as above, for the fiscal year, except that no part of the sum therein included for depreciation shall be used for other purposes than renewals, in excess of ordinary repairs, extensions, reconstruction, enlargements and additions. The surplus, if any, of said annual allowances for depreciation after making the above payments shall be kept as a separate fund and used for renewals, other than ordinary repairs, extensions, reconstruction, enlargements and additions in succeeding years; and no debt shall be incurred under sections seven and eight of this chapter for any extension, reconstruction or enlargements of the plant in excess of the amount needed for the purpose in addition to the amount then on hand in said depreciation fund. Said depreciation fund shall be kept and managed by the city or town treasurer as a separate fund, subject to appropriation by the city council or selectmen or municipal light board, if any, for the foregoing purpose. All appropriations for the plant shall be either for the annual expense defined as above, or for extensions, reconstruction, enlargements or additions; and no appropriation shall be used for any purpose other than that stated in the vote making the same. No bonds, notes or scrip shall be issued by a city or town for the annual expenses as defined in this section.

Appropriations, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1906.

AN ACT RELATIVE TO AUTOMOBILES AND MOTOR CYCLES.

Chap. 412

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby amended by striking out section eight and inserting in place thereof the following:—*Section 8.* Every person operating an automobile or motor cycle on any public or private way laid out under the authority of law shall run it at a rate of speed at no time greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way

1903, 473, § 8, amended.

Speed limit of automobiles, etc.

Speed limit of automobiles, etc.

outside the thickly settled or business part of a city or town exceeds twenty miles an hour for the distance of one quarter of a mile such rate of speed shall be prima facie evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way inside the thickly settled or business part of a city or town exceeds twelve miles an hour for the distance of one eighth of a mile such rate of speed shall be prima facie evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public. If the rate of speed of an automobile or motor cycle operated on any such way upon approaching a crossing of intersecting ways, or in traversing a crossing or intersection of ways, or in going around a corner or a curve in the highway where the operator's view of the road traffic is obstructed, exceeds eight miles an hour such rate of speed shall be prima facie evidence that the person operating such automobile or motor cycle is running it at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.

Certain phrase defined.

SECTION 2. The phrase "thickly settled or business part of a city or town", in section one of this act shall be deemed to mean the territory of a city or town contiguous to any such way which is built up with structures devoted to business, or the territory of a city or town contiguous to any such way where the dwelling houses are situated at such distances as will average less than two hundred feet between such dwelling houses for a distance of a quarter of a mile or over.

1908, 478, § 9, etc., amended.

SECTION 3. Section nine of said chapter four hundred and seventy-three, as amended by section five of chapter three hundred and eleven of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "The", in the first line, the words:— Massachusetts highway, — by inserting after the word "revoked", in the twentieth line, the following:— and any person who attaches or causes to be attached to a motor vehicle a number plate assigned by the Massachusetts highway commission to another vehicle, or who obscures or

causes to be obscured the figures on any number plate attached to any motor vehicle with intent to conceal the identity of such motor vehicle, — and by adding at the end of the section the words: — A complaint against a person for the violation of section one of this act may be placed on file at the discretion of the court or trial justice if the violation appears to have been unintentional, or if there are extenuating circumstances. Upon a third or subsequent conviction in the same calendar year of a violation of said section the commission shall forthwith revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has the exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled; and no new license or certificate shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of said commission, — so as to read as follows: — *Section 9.* The Massachusetts highway commission may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license or certificate issued to any person under sections two and four of this act, for any cause which it may deem sufficient; and any person convicted of violating any provision of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, and not exceeding fifty dollars for a second offence, and not exceeding one hundred dollars for subsequent offences committed during each calendar year; and the penalties imposed for violations of any provision of this act for any calendar year shall be imposed without regard to violations thereof committed in any previous calendar year. Any person convicted of operating an automobile or motor cycle in this Commonwealth after his license to operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate an automobile or motor cycle after the certificate of registration for such vehicle has been suspended or revoked, and any person who attaches or causes to be attached to a motor vehicle a number plate assigned by the Massachusetts highway commission to another vehicle, or who obscures or causes to be obscured the figures on any number plate attached to

Certificate of
registration
may be
revoked, etc.

any motor vehicle with intent to conceal the identity of such motor vehicle, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment. A complaint against a person for the violation of section one of this act may be placed on file at the discretion of the court or trial justice if the violation appears to have been unintentional, or if there are extenuating circumstances. Upon a third or subsequent conviction in the same calendar year of a violation of said section the commission shall forthwith revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has the exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled; and no new license or certificate shall be issued to such person for at least thirty days after the date of such conviction, nor thereafter except in the discretion of said commission.

Penalty for
operating
automobiles,
etc., recklessly.

SECTION 4. Whoever operates an automobile or motor cycle on any public way or private way laid out under authority of law recklessly or while under the influence of intoxicating liquor, or so as to endanger the lives or safety of the public, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding six months. A conviction of a violation of this section shall forthwith be reported by the court or trial justice to the commission which shall immediately revoke the license of the person so convicted. If it appears by the records of said commission that the person so convicted is the owner of an automobile or motor cycle, or has exclusive control of any automobiles or motor cycles as a manufacturer or dealer, said commission shall thereupon revoke the certificate of registration of all automobiles or motor cycles so exclusively owned or controlled. No new license or certificate shall be issued by said commission to such person until after sixty days from the date of such conviction, nor thereafter except in the discretion of said commission.

1906, 311, § 6,
amended.

SECTION 5. Section six of chapter three hundred and eleven of the acts of the year nineteen hundred and five is hereby amended by striking out the words "convicted under", in the third line, and inserting in place thereof the words: — charged with a violation of any of, — so as

to read as follows: — *Section 6.* A full record shall be kept by every court or trial justice in this Commonwealth of every case in which a person is charged with a violation of any of the provisions of said chapter four hundred and seventy-three or of any other act relative to automobiles or motor cycles, and a certified copy of such record shall be sent forthwith by the court or trial justice to the Massachusetts highway commission. Said courts and trial justices shall furnish to the Massachusetts highway commission the details of any particularly flagrant cases which may be heard before them, and they may make such recommendations to said commission as to the suspension or revocation of the license or certificate of registration of the persons defendant in such cases as they may deem necessary. Said commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours.

Record of cases of conviction to be kept, etc.

SECTION 6. Any person who, while operating or in charge of a motor vehicle, shall refuse when requested by a police officer to give his name and address, or the name and address of the owner of such motor vehicle, or who shall give a false name or address, or who shall refuse or neglect to stop when signalled to stop by any police officer who is in uniform or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer to produce his license to operate such vehicle or his certificate of registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.

Penalty for refusing to give certain information, etc.

SECTION 7. Any person owning or controlling a motor vehicle, who, when requested by a police officer, shall refuse or neglect to give any information within his power to give which may lead to the identification or apprehension of the person who was driving such motor vehicle on the occasion inquired about, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars: *provided*, that no evidence obtained under the provisions of this section shall be used in any criminal proceeding against the person furnishing the same.

Penalty for refusing to give information as to other persons.

Proviso.

SECTION 8. Section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three, as amended by section two of chapter three hundred and eleven of the acts of the year nineteen hundred and

1908, 478, § 1, etc., amended.

five, is hereby further amended by striking out the word "fifteen", in the fifty-fourth line, and inserting in place thereof the word: — seven, — so as to read as follows: —

Registration of automobiles, etc. *Section 1.* All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle described therein.

Fee, etc.

Certificate of registration, etc.

Transfer of ownership, etc. Upon the transfer of ownership of any automobile or motor cycle, its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massachusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to

register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this Commonwealth: *provided, however*, that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding seven days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section. Proviso.

SECTION 9. Section one of chapter three hundred and sixty-six of the acts of the year nineteen hundred and five is hereby amended by striking out the words "fifteen days", in the nineteenth line, and inserting in place thereof the words: — sixty days, — so as to read as follows: — *Section 1.* The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town, may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. If they determine that on any particular way a speed greater than the speeds specified in section eight of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three may be permitted with safety, they may make such special regulations as may appear to them to be necessary: *provided, however*, that no such special regulation increasing or lessening the speed at which automobiles and motor cycles may be run on the public highways, or excluding them therefrom, shall be effective unless such regulation shall have been published in one or more newspapers, if there be any, published in such city or town, otherwise in one or more newspapers published in the county in which the city or town is situated. If within sixty days after the publication of such notice, not less than fifty residents of Massachusetts, at least ten of whom shall be taxpayers of the 1905, 386, § 1,
amended.

Cities and towns may make special regulations as to speed, etc.

Proviso.

city or town, file a written protest with the Massachusetts highway commission, such special regulation shall not be valid until approved by said board after public notice and a hearing given by said board in the city or town. Such special regulation shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. The cost of such sign boards and the expenses in connection with their erection and maintenance shall be paid out of the appropriation for expenses in connection with the registration of automobiles and motor cycles and the licensing of operators thereof. No ordinance, by-law or regulation now in force in any city or town which regulates the speed at which automobiles or motor cycles shall be run upon its public ways shall hereafter have any force or effect. Nothing herein contained shall be so construed as to affect the rights of boards of park commissioners, as established by law.

Certain rights
not affected.

Approved May 24, 1906.

Chap. 413

AN ACT RELATIVE TO DELINQUENT CHILDREN.

Be it enacted, etc., as follows:

The word
"court"
defined.

SECTION 1. The word "court", whenever used in this act, shall be construed to mean a police, district or municipal court, or a trial justice.

The words
"probation
officer"
defined.

The words "probation officer" shall be construed to mean a probation officer or assistant probation officer of the court having jurisdiction of the pending case.

The term
"delinquent
child" defined.

The term "delinquent child" shall be construed to mean any boy or girl between the ages of seven and seventeen years, who violates any city ordinance or town by-law, or commits an offence not punishable by death or by imprisonment for life.

The words
"wayward
child" defined.

The words "wayward child" shall be construed to mean a boy or girl between seven and seventeen years of age who habitually associates with vicious or immoral persons, or who is growing up in circumstances exposing him or her to lead an immoral, vicious or criminal life.

The intent
of the act
construed.

SECTION 2. This act shall be liberally construed to the end that the care, custody and discipline of the children brought before the court shall approximate as nearly as possible that which they should receive from their parents, and that, as far as practicable, they shall be treated, not

as criminals, but as children in need of aid, encouragement and guidance. Proceedings against children under this act shall not be deemed to be criminal proceedings.

SECTION 3. If complaint is made to any court that a Complaint, etc. boy or girl between the ages of seven and seventeen years is a wayward child or a delinquent child, said court shall examine on oath the complainant and the witnesses, if any, produced by him, and shall reduce the complaint to writing, and cause it to be subscribed by the complainant.

If said child is under fourteen years of age, said court shall first issue a summons requiring it to appear before such court at the time and place named therein, and such summons shall be issued in all other cases, instead of a warrant, unless, in the judgment of the court, there is reason to believe that he or she will not appear upon a summons, in which case, or in any case in which a child has been summoned as aforesaid and did not appear, said court may issue a warrant reciting the substance of the complaint, and requiring the officer to whom it is directed forthwith to take such child and bring it before said court to be dealt with according to law, and to summon such witnesses as shall be named therein to appear and give evidence at the examination. Summons to issue, etc.

A child under fourteen years of age shall not be committed to a lock-up, police station or house of detention, to a jail or house of correction, to the state farm, or the house of correction at Deer island in the city of Boston, pending an examination, in default of bail, or for the non-payment of a fine, except as provided in sections five and nine, or upon conviction of any offence not punishable by death or imprisonment for life: *provided*, that a boy twelve Commitment, etc. years of age or over, arrested in the act of violating a law of the Commonwealth, or on a warrant, may, in the discretion of the arresting officer, be committed to a lock-up, police station or house of detention. Proviso.

Whenever a child under seventeen years of age has been committed to a lock-up, police station or house of detention the probation officer and at least one of its parents, and, if there is no parent, then the person with whom such child resides, shall be notified at once of said commitment. The officer of the place of custody in which such child is confined, on the written request of the probation officer, shall release such child to him, unless the officer who made the commitment shall make a written request for his de- Probation officer, etc., to be notified.

tention. Said probation officer shall notify such child of the time and place of the hearing of its case.

Summons to
issue to parent
of child, etc.

SECTION 4. If a boy or girl is brought before such court upon a warrant, or has been summoned to appear, as provided in the preceding section, a summons shall be issued to at least one of its parents, if either of them is known to reside within the city or town where such child was found, and, if there is no such parent, then to its lawful guardian, if there is one known to be so resident, and if not, then to the person with whom such child resides, if known. Said summons shall require the person upon whom it is served to appear at a time and place stated therein, and show cause why such boy or girl should not be adjudged a wayward or delinquent child, as the case may be. If there is no such parent, guardian or person who can be summoned as aforesaid, the court may appoint a suitable person to act in behalf of such child.

Time for
appearance.

If such child is summoned, the time for appearance fixed in the summons to a parent, guardian or other person, as herein provided, shall, when practicable, be the same as that fixed for the appearance of said child.

How sum-
mons shall be
served.

A summons required by this act, unless service thereof is waived in writing, shall be served by a constable or police officer, by delivering it personally to the person to whom it is addressed, or by leaving it with a person of proper age to receive the same, at the place of residence or business of such person; and said constable or officer shall immediately make return to the court of the time and manner of the service.

Agent of state
board of
charity to
attend pro-
ceedings.

If the court shall be of opinion that the interests of an alleged wayward or delinquent child require the attendance, at any proceedings, of an agent of the state board of charity, and shall request such attendance, of said board, an agent thereof shall attend such proceedings, to protect the interests of said child.

Hearings may
be adjourned.

SECTION 5. Hearings upon cases arising under this act may be adjourned from time to time. A child that has been adjudged by the court a wayward or delinquent child may appeal to the superior court, and such child shall, at the time of such adjudication, be notified of its right to appeal. The appeal, if taken, shall be entered, tried and determined in like manner as appeals from trial justices in criminal cases. The provisions of section thirty-four of chapter two hundred and seventeen, and of section twenty-

Appeal.

two of chapter two hundred and nineteen of the Revised Laws, relative to recognizances in cases continued or appealed, shall be applicable in cases arising under this act.

A child under fourteen years of age, who has been held for examination or trial, or to prosecute an appeal to the superior court, if unable to furnish bail, shall be committed to the care of the state board of charity or of a probation officer. The person to whose care it is so committed shall provide for its safe keeping and for its appearance at its examination or trial, or at the prosecution of its appeal.

Care of child held for examination.

A child fourteen or more years of age, so held, if unable to furnish bail shall be so committed to a probation officer, unless the court, upon immediate inquiry, shall be of opinion that, if so committed, such child will not appear at such examination or trial, in which case said child may be committed to jail.

May be committed to jail in certain cases.

Said probation officer shall have all the authority, rights and powers, in relation to a child committed to his care under this section, and in relation to a child released to him, as provided in section three, which he would have if he were surety upon the recognizance of such a child.

Authority of probation officer.

SECTION 6. Courts shall designate suitable times for the hearing of cases of juvenile offenders, and wayward or delinquent children, which shall be called the session for children, for which a separate docket and record shall be kept. Said session shall be separate from that for the trial of criminal cases, and as far as practicable shall be held in rooms not used for such trials. No minor shall be allowed to be present at any such hearing unless his presence is necessary, either as a party or as a witness, or, in the opinion of the court, in the interests of justice.

Court to designate time for hearings, etc.

SECTION 7. Every case of a wayward child or a delinquent child shall be investigated by the probation officer, who shall make a report regarding the character of such child, his school record, his home, his surroundings and the previous complaints against him, if any. He shall be present in court at the trial of the case, and furnish the court with such information and assistance as shall be required. At the end of the probation period of a child that has been placed on probation, the officer in whose care it has been shall make a report as to its conduct during such period.

Investigation of cases, etc.

SECTION 8. At the hearing of a complaint against a child the court shall examine such child, and any wit-

Court to examine cases, etc.

nesses that appear, and take such testimony relative to the case as shall be produced. If the allegations against a child are proved, it may be adjudged a wayward or delinquent child, as the case may be.

Wayward child may be placed in care of probation officer.

If a child is adjudged a wayward child, the court may place it in the care of a probation officer for such time and upon such conditions as may seem proper, or may deal with it in the manner provided by law for the disposal of the case of a neglected child.

Care of delinquent child, etc.

If a child is adjudged a delinquent child, the court may place the case on file, or may place the child in the care of a probation officer for such time and on such conditions as may seem proper. If it is alleged in the complaint upon which the child is so adjudged, that a law of the Commonwealth has been violated, the court may, with the consent of the state board of charity, authorize said board to take and indenture such child, or place it in charge of any person, and if at any time thereafter such child proves unmanageable, to commit such child, if a boy under fifteen years of age, to the Lyman school for boys, or if a girl under seventeen years of age, to the state industrial school for girls, until such child attains the age of twenty-one years. Said board may provide for the maintenance, in whole or in part, of any child so indentured or placed in charge of any person.

May be committed to institution.

The court shall also have power to commit such delinquent child to any institution to which it might be committed upon a conviction for such violation of law, excepting a jail or house of correction, and all laws applicable to a boy or girl committed upon such a conviction shall apply to a delinquent child committed under this section.

Court to make disposition of cases.

SECTION 9. If a child has been placed in care of a probation officer, as provided in this act, said officer, at any time before the final disposition of the case, may arrest such child without a warrant and take him before the court, or the court may issue a warrant for his arrest. When such child is before the court, it may make any disposition of the case which it might have made before said child was placed on probation, or may continue or extend the period of probation.

Penalty for violating conditions, etc.

If the court shall find that such child has violated the conditions of its probation, it may impose a fine, not exceeding five dollars, and if the fine is not paid at once, in whole or in part, may order that said child stand com-

mitted to a jail until the same is paid, but not exceeding five days. Said court shall suspend the execution of said order and continue the probation for such time as it shall fix, unless in the opinion of the court such child will default. Said fine may be paid to the probation officer, whereupon the order for commitment shall be void. If at the end of the period of such suspension the probation officer shall report that said fine is unpaid, the court may extend such period, or place the case on file, or revoke the suspension of the execution of the order of commitment. If the fine, or any part thereof, is paid to the probation officer, he shall give a receipt therefor, shall keep a record of the payment, shall pay the same to the clerk of the court at its next session, and shall keep on file the clerk's receipt therefor.

SECTION 10. A disposition of any child under this act, or any evidence given in such case, shall not, in any proceeding, in any court, be lawful or proper evidence against such child for any purpose, excepting in subsequent criminal proceedings, or subsequent cases of delinquency or waywardness against the same child.

Disposition of child not to be admitted as evidence, etc.

SECTION 11. If it shall be alleged in a complaint made under this act that a boy or girl has committed an offence against a law of the Commonwealth, or has violated a city ordinance or town by-law, and the court shall be of opinion that his or her welfare, and the interests of the public, require that he or she should be tried for said offence or violation, instead of being dealt with as a delinquent child, the court may, after a hearing on said complaint, order that it be dismissed. Criminal proceedings shall not be begun against any child between the ages of seven and fourteen, except for an offence punishable by death or imprisonment for life, unless proceedings against it as a delinquent child have been begun and dismissed as aforesaid.

Violation of city ordinance or town by-law, etc.

SECTION 12. If, in adjudging a person to be a delinquent child, the court shall find, as an element of such delinquency, that he has committed an act involving liability in a civil action, and such delinquent child shall be placed on probation, as herein provided, the court may require, as a condition thereof, that he shall make restitution or reparation to the injured person, to such an extent and in such sum as the court shall determine. If the payment is not made at once, it shall be made to the probation officer, who shall give a receipt therefor, shall keep a record

Delinquent child may be required to make restitution, etc.

of the payment, shall pay the money to said injured person, and keep on file his receipt therefor.

Parent of
child may be
punished, etc.

SECTION 13. If a boy or girl is adjudged to be a wayward child or a delinquent child, as defined by this act, a parent of such child who is found to have been responsible for such waywardness or delinquency, shall be punished by a fine of not more than fifty dollars, or by imprisonment in jail for not more than six months.

Supervision
by state board
of charity.

SECTION 14. The state board of charity shall have authority to supervise the probation work for wayward and delinquent children, and to make such inquiries as it considers necessary in regard to the same, and in its annual report may make such recommendations as it considers advisable for the improvement of methods of dealing with such children.

Repeal.

SECTION 15. All acts and parts of acts inconsistent with this act are hereby repealed.

When to take
effect.

SECTION 16. This act shall take effect on the first day of September in the year nineteen hundred and six.

Approved May 24, 1906.

Chap. 414 AN ACT RELATIVE TO GRANTING LICENSES TO ENGINEERS AND FIREMEN.

Be it enacted, etc., as follows:

R. L. 102, § 82,
etc., amended.

SECTION 1. Section eighty-two of chapter one hundred and two of the Revised Laws, as amended by section two of chapter three hundred and ten of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word "person", in the twenty-fifth line, the words:— holding an engineer's or fireman's license,— by inserting after the word "may", in the twenty-seventh line, the words:— providing he holds an engineer's or fireman's license,— and by adding at the end of said section the words:— No special license shall be granted to give any person charge of a plant over one hundred and fifty horse power,— so as to read as follows:— *Section 82.* Licenses shall be granted according to the competence of the applicant and shall be distributed in the following classes:— Engineers' licenses:— First class, to have charge of and operate any steam plant. Second class, to have charge of and operate a boiler or boilers, and to have charge of and operate engines, no one of which shall exceed one hundred and fifty horse power, or to operate a

Glasses of
licenses.

first class plant under the engineer in direct charge of the plant. Third class, to have charge of and operate a boiler or boilers not exceeding in the aggregate one hundred and fifty horse power, and an engine not exceeding fifty horse power, or to operate a second class plant under the engineer in direct charge of the plant. Fourth class, to have charge of and operate hoisting and portable engines and boilers. Firemen's licenses: — Extra First class, to have charge of and operate any boiler or boilers. First class, to operate any boiler or boilers. Second class, to have charge of and operate any boiler or boilers where the pressure carried does not exceed twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. A person holding an extra first or first class fireman's license may operate a third class plant under the engineer in direct charge of the plant. A person holding an engineer's or fireman's license who desires to have charge of or to operate a particular steam plant or type of plant may, providing he holds an engineer's or fireman's license, if he files with his application a written request signed by the owner or user of said plant for such examination, be examined as to his competence for such service and no other, and if found competent and trustworthy shall be granted a license for such service and no other. No special license shall be granted to give any person charge of a plant over one hundred and fifty horse power.

SECTION 2. This act shall take effect on the first day of December in the year nineteen hundred and six. When to take effect.

Approved May 24, 1906.

AN ACT RELATIVE TO MONTHLY RETURNS OF DEATHS BY CITY AND TOWN CLERKS. **Chap.415**

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter twenty-nine of the Revised Laws, as amended by section one of chapter three hundred and five of the acts of the year nineteen hundred and three, is hereby further amended by striking out the words "records of deaths recorded", in the eighteenth line, and inserting in place thereof the words: — returns of deaths which have occurred, — and by adding at the end of said section the words: — In case no deaths have occurred during such preceding month, the fact shall

R. L. 29, § 18,
etc., amended.

Copies of records of births and marriages to be transmitted to the secretary of the Commonwealth annually.

Copies of records of deaths to be transmitted monthly, etc.

be certified by the city or town clerk within ten days after the close of such month, — so as to read as follows:—

Section 18. The clerk of each town and of each city containing less than thirty thousand inhabitants shall annually, on or before the first day of March, the clerks of cities containing more than thirty thousand and less than one hundred thousand inhabitants, on or before the first day of April, and the clerks of cities containing one hundred thousand inhabitants or more, on or before the first day of May, transmit to the secretary of the Commonwealth certified copies of the records of births and marriages recorded therein during the preceding calendar year, with certified copies, upon blanks provided by the secretary, of all such records and corrections in records of births and marriages as may not have been previously returned. The clerk of each city and town shall, on or before the tenth day of every month, transmit to the secretary of the Commonwealth, upon blanks to be furnished by him, certified copies of the returns of deaths which have occurred in such city or town during the preceding month. In case no deaths have occurred during such preceding month, the fact shall be certified by the city or town clerk within ten days after the close of such month.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1906.

Chap. 416 AN ACT TO ESTABLISH THE SALARIES OF THE JUDGE AND ASSOCIATE JUDGE OF THE LAND COURT.

Be it enacted, etc., as follows:

Salaries of judge and associate judge of land court.

SECTION 1. The salaries of the judge and associate judge of the land court shall be six thousand dollars a year each.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1906.

Chap. 417 AN ACT RELATIVE TO THE SALARIES OF THE BOARD OF RAILROAD COMMISSIONERS AND OF THEIR CLERK AND ASSISTANT CLERK.

Be it enacted, etc., as follows:

Salaries of board of railroad commissioners.

SECTION 1. The annual salary of the chairman of the board of railroad commissioners shall be six thousand dollars and that of the other commissioners five thousand

dollars each, from and after the first day of July in the year nineteen hundred and six.

SECTION 2. The annual salary of the clerk of the board of railroad commissioners shall be three thousand dollars and that of the assistant clerk shall be eighteen hundred dollars, from and after the first day of July in the year nineteen hundred and six.

Clerk and
assistant clerk.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1906.

AN ACT RELATIVE TO OATHS OF PHYSICIANS IN MAKING CERTIFICATES OF INSANITY.

Chap. 418

Be it enacted, etc., as follows:

SECTION 1. Section thirty-five of chapter eighty-seven of the Revised Laws is hereby amended by striking out the words "to the judge at the hearing", in the second line, and by striking out the word "is", in the eighth line, and inserting in place thereof the word: — are, — so as to read as follows:— *Section 35.* A physician shall not make a certificate of insanity unless he makes oath that he is a graduate of a legally chartered medical school or college, that he has been in the actual practice of medicine for three years since his graduation and for three years last preceding the making of said oath, and that he is registered in accordance with the provisions of chapter seventy-six, nor unless his standing, character and professional knowledge of insanity are satisfactory to the judge. A physician who makes such certificate shall have examined the alleged insane person within five days of his signing said certificate, and shall state therein that in his opinion such person is insane and a proper subject for treatment in an insane hospital or asylum, and the facts on which his opinion is based. A copy of the certificate, attested by the judge, shall be delivered by the person making the commitment to the superintendent of the hospital or other place to which the person shall be committed, and shall be filed and kept with the order of commitment, and within forty-eight hours after the commitment of an insane person to an insane hospital or asylum, the superintendent thereof shall transmit to the state board of insanity a copy of such certificate. A certificate bearing date more than ten days prior to the commitment of any person alleged to be insane shall be void, and no

R. L. 87, § 35,
amended.

Qualifications
of physician
certifying to
insanity.

certificate shall be valid or be received in evidence if signed by a physician holding any office or appointment in or connected with a hospital, asylum or other place for the insane to which the alleged insane person may be committed.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1906.

Chap.419 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO BUILD AND MAINTAIN A PUBLIC WAY THROUGH THE TOWNS OF LANESBOROUGH, CHESHIRE AND NEW ASHFORD AND INTO THE GREYLOCK STATE RESERVATION.

Be it enacted, etc., as follows:

A way may be laid out through certain towns in the county of Berkshire.

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to lay out, construct, and maintain at the expense of the county a public way from a point near the residence of Stephen L. Northrup in the town of Lanesborough, through the towns of Lanesborough, Cheshire, and New Ashford and into the Greylock state reservation, to a terminus near Mitchell brook, so-called, in the town of New Ashford. Said road shall be located and may be altered in the manner now provided by law for the location and alteration of county ways.

Way may be closed, etc.

SECTION 2. The county commissioners may close said way during such seasons of the year as they deem it wise to do so, or when it is necessary to close it for repairs.

Not required to erect bounds.

SECTION 3. The county commissioners shall not be required to erect bounds of said highway upon the Greylock state reservation nor upon more than one side of the way where it passes over private lands.

SECTION 4. This act shall take effect upon its passage.

Approved May 24, 1906.

Chap.420 AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE MASSACHUSETTS STATE SANATORIUM.

Be it enacted, etc., as follows:

Massachusetts state sanatorium.

SECTION 1. A sum not exceeding one hundred and twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance of the Massachusetts state sanatorium, from the first day of April up to and including the thirtieth day of November in the year nine-

teen hundred and six, the same to be in addition to the thirty thousand dollars appropriated by chapter eighty-five of the acts of the present year.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1906.

AN ACT TO PROVIDE FOR THE REGISTRATION OF CARRIERS OF
INTOXICATING LIQUORS TO OR IN CITIES AND TOWNS WHICH
DO NOT GRANT LICENSES OF THE FIRST FIVE CLASSES. Chap 421

Be it enacted, etc., as follows:

SECTION 1. No person or corporation, except a railroad or street railway corporation, shall, for hire or reward, transport spirituous or intoxicating liquors into or in a city or town in which licenses of the first five classes for the sale of intoxicating liquors are not granted, without first being granted a permit so to do as hereinafter provided.

Permit required in transporting liquors into certain cities and towns.

SECTION 2. The mayor and aldermen in cities and the selectmen in towns in which said licenses of the first five classes are not granted shall annually grant and issue one or more permits under the provisions of this act, and every such permit shall specify the residence by street and number (if any) of the holder, and shall be subject to all laws now or hereafter in force relative to the transportation of such liquors.

Mayor and aldermen and selectmen may grant permits.

SECTION 3. All permits issued pursuant to this act shall be signed by the licensing board, shall be recorded by the city or town clerk before becoming operative, and shall remain in force unless forfeited until the first day of May next succeeding the date upon which they are granted, and said clerk shall collect a fee of one dollar for such recording.

To be signed by the licensing board, etc.

SECTION 4. Any person violating the provisions of this act shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment, and any violation of the laws relative to the transportation of intoxicating liquors, by a person holding a permit granted under authority hereof, shall render such permit void.

Penalty, etc.

SECTION 5. This act shall take effect on the first day of May in the year nineteen hundred and six.

When to take effect.

Approved May 25, 1906.

Chap. 422 AN ACT TO PROMOTE THE REDUCTION OF THE PRICE OF GAS IN
THE CITY OF BOSTON AND ITS VICINITY.

Be it enacted, etc., as follows:

Fixing the
standard price
of gas in
Boston, etc.

SECTION 1. From and after the thirtieth day of June in the year nineteen hundred and six, the standard price to be charged by the Boston Consolidated Gas Company for gas supplied to its customers shall be ninety cents per one thousand cubic feet, which price shall not thereafter be increased except as hereinafter provided. From and after the said date the standard rate of dividends to be paid by said company to its stockholders shall be seven per cent per annum on the par value of its capital stock, which rate shall not thereafter be increased except as hereinafter provided.

If price
charged is
less than
standard price
dividends
may be paid
at an increased
rate.

SECTION 2. If during any year ending on the thirtieth day of June the maximum net price per thousand cubic feet charged by the company has been less than the standard price, the company may during the following year declare and pay dividends exceeding the standard rate in the ratio of one fifth of one per cent for every one cent of reduction of said maximum net price below the standard price.

Annual report
to be pub-
lished, etc.

SECTION 3. Said company shall annually publish in the month of September, in one or more newspapers published in the city of Boston, a report showing for the previous fiscal year, among other things, the cost per thousand feet to such company of gas in the holder, itemizing said cost so as to show the cost per thousand feet for gas manufactured, of wages at works and of the main items of materials; also the cost per thousand feet of distribution; also the amount per thousand feet, if any, charged as depreciation of ways, works and machinery; also the amount per thousand feet, if any, charged for maintenance repairs; together with such other items of account as may from time to time be prescribed by the board of gas and electric light commissioners.

Method of
determining
cost of gas,
etc., may be
revised.

SECTION 4. Said board shall have authority upon petition of the mayor or board of aldermen of a city or of the selectmen of a town in which said company is furnishing gas, and after hearing the company, to revise the method of determining the cost of gas supplied by said company, and to determine finally and conclusively the actual cost of the gas furnished and the clear profits made

by said company applicable to the payment of dividends for the year ending on June thirtieth. Any orders made by said board shall be enforceable as provided by section nine of chapter one hundred and twenty-one of the Revised Laws.

SECTION 5. If the clear profits of the company applicable to the payment of dividends amount in any year to a larger sum than is sufficient to pay the dividends which the company is herein authorized to pay during the next succeeding year, the excess above the sum necessary for that purpose may from time to time, to the extent of one per cent per annum of the par value of the capital of the company, be invested in securities in which savings banks incorporated under the laws of this Commonwealth are authorized by law to invest, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the par value of the capital stock of the company, which sum shall form a reserve fund: *provided*, that when and so often as the said fund shall by reason of the accumulation of interest or dividends or otherwise exceed one twentieth of the par value of the capital stock, the excess shall be carried to the credit of the clear profits of the company applicable to the payment of dividends. The company may from time to time use said fund or any portion thereof to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the company from fire, accident, or other circumstances which due care and management could not have prevented; and whenever in any year the clear profits of the business of the company for the preceding year applicable to the payment of dividends are insufficient to enable it to pay the dividends which the company is herein authorized to pay, it may apply said fund, or such portion thereof as may be necessary, toward the payment of the dividends which the company is herein authorized to pay for such year. If the reserve fund be reduced at any time, it may thereafter again be made up to one twentieth of the par value of the capital stock of the company, and so from time to time as often as such reduction shall happen; *provided*, that resort may be had to the reserve fund for any of the purposes above mentioned, although such fund may not at the time have reached or

If profits exceed amount necessary to pay dividends excess may be invested, etc.

Provisos.

may have been reduced below the full amount of one twentieth as aforesaid.

Excess of profits in certain cases to be paid to cities and towns supplied with gas.

SECTION 6. If in any year the amount of the clear profits of the business of the company applicable to the payment of dividends exceeds the amount required to pay the dividends herein authorized to be paid during the next succeeding year, and the amounts which are herein authorized to be set aside for the reserve fund, the excess of such profits shall be paid to the cities and towns in which the company is supplying gas, in proportion to the number of miles of mains in each of such cities and towns.

Board of gas and electric light commissioners to decide what amount of new stock may be issued.

SECTION 7. Whenever the company shall issue additional stock, it shall be the duty of the board of gas and electric light commissioners in deciding what amount of new stock is to be authorized, to place a value upon such new stock, which value shall be stated in their written decision, and before offering the new shares to the existing shareholders of the company, the company shall offer the new shares for sale by public auction in the city of Boston, in such manner, at such times, and subject to such conditions of sale as the company shall from time to time determine, subject however to the approval of the board of gas and electric light commissioners: *provided*, that no bid at any such auction shall be accepted for a price less than the value placed upon the stock by the board of gas and electric light commissioners as aforesaid; and *provided, further*, that notice of the proposed sale of said stock by public auction together with the terms and conditions of sale shall be published in at least three newspapers in the city of Boston twice a week for not less than three successive weeks before the day of auction.

Provisos.

Stock offered for sale to be at a price fixed by the board, etc.

SECTION 8. When any stock which has been offered for sale by auction is not sold, the same shall be offered at the price so placed upon it by the board of gas and electric light commissioners to the stockholders of the company, in accordance with the provisions of section thirty of chapter one hundred and nine of the Revised Laws: *provided*, that any stock so offered and not accepted by the stockholders shall again be offered for sale by public auction, in accordance with the provisions of section thirty-one of chapter one hundred and nine of the Revised Laws; and *provided, further*, that if the new stock authorized does not exceed four per cent of the existing capital stock of the

Provisos.

company the same may be sold in accordance with the provisions of said section thirty-one without being first offered to the stockholders.

SECTION 9. At any time after the expiration of ten years from the thirtieth day of June in the year nineteen hundred and six, the board of gas and electric light commissioners shall have authority upon the petition of the company, or upon the petition of the mayor of any city or of the selectmen of any town in which the company is supplying gas to consumers, to lower or raise the standard price per thousand cubic feet to such extent as may justly be required by reason of greater or less burdens which may be imposed upon the company, by reason of improved methods in the art of manufacture, by reason of changes in the prices of material and labor, or by reason of changes in other conditions affecting the general cost of the manufacture or distribution of gas.

Regulations concerning the lowering or raising of standard price.

SECTION 10. The provisions of sections thirty-four and thirty-five of chapter one hundred and twenty-one of the Revised Laws, so far as they relate to the fixing of the price of gas, shall not hereafter apply to the Boston Consolidated Gas Company. But nothing herein shall be construed as affecting any right or liability which may arise under chapter thirty-four of the Revised Laws, or acts in amendment thereof or in addition thereto, or under any other acts not inconsistent herewith.

Certain provisions of law not to apply, etc.

SECTION 11. Unless the Boston Consolidated Gas Company shall, by authority of its board of directors, accept the provisions of this act within sixty days after its passage by a writing filed with the board of gas and electric light commissioners, this act shall be void.

Time within which act may be accepted.

SECTION 12. This act shall take effect upon its passage.

Approved May 26, 1906.

AN ACT TO REGULATE THE TENURE OF OFFICE OF CERTAIN OFFICERS OF THE MILITIA.

Chap. 423

Be it enacted, etc., as follows:

SECTION 1. The term of office of a brigadier general of the line shall hereafter be five years, and he shall be ineligible for re-election; but this section shall not affect the tenure of office of any brigadier general of the line now holding said commission.

Term of office of brigadier general.

Term of office
of colonel, etc.

SECTION 2. The term of office for a colonel of a regiment and for the captain of the naval brigade shall hereafter be seven years, and he shall be ineligible for re-election; but nothing in this section shall be construed as affecting any present officer herein designated until he has served the time herein stated from the date of the passage of this act.

Retirement
of officers of
the militia.

SECTION 3. Any officer designated in sections one and two of this act who shall serve hereafter the full term allowed by this act, shall, upon his own request, be placed upon the retired list with the rank next above that held by him at the time of the making of such request.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved May 26, 1906.

Chap. 424

AN ACT TO AUTHORIZE THE TOWN OF AYER TO TAKE ADDITIONAL LAND AND EXPEND ADDITIONAL SUMS OF MONEY FOR THE PURPOSE OF INCREASING ITS WATER SUPPLY.

Be it enacted, etc., as follows:

1887, 152, § 2,
amended.

The town of
Ayer may
take water
from Sandy
Pond, etc.

SECTION 1. Section two of chapter one hundred and fifty-two of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting after the word "town", in the ninth line, the words: — or in the town of Harvard in the county of Worcester, — so as to read as follows: — *Section 2.* The said town for the purposes aforesaid, and for the purpose of obtaining a supply of water, may draw and convey directly from Sandy Pond, so called, in said town, so much of the waters thereof, and the waters that flow into and form the same, as it may require; and it may take by purchase, or otherwise, and hold any water rights connected with said pond, and any springs and streams tributary thereto, and the water of any other ponds or water sources within the limits of said town, or in the town of Harvard in the county of Worcester, and the water rights connected with any of said sources, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such

other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works under or over any lands, water courses, railroads, or public or private ways and along any such way, in such manner as when completed shall not unnecessarily obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

SECTION 2. Section three of said chapter is hereby amended by striking out the words "of Middlesex", in the fifth line, and inserting in place thereof the words: —

1887, 152, § 3,
amended.

in which the land lies, — so as to read as follows: — *Section 3.* The said town shall within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county in which the land lies a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter provided for.

Description
of lands, etc.,
taken to be
recorded.

SECTION 3. Section five of said chapter is hereby amended by striking out the word "seventy-five", in the fifth line, and inserting in place thereof the words: — one hundred and twenty-five, — and by striking out the word "six", in the tenth line, and inserting in place thereof the word: — four, — so as to read as follows: — *Section 5.*

1887, 152, § 5,
amended.

The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and twenty-five thousand dollars; such bonds, notes and scrip shall bear on their face the words Ayer Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding four per centum per annum, and shall be signed by the treasurer of the town and be countersigned by the water commissioners hereinafter provided for. The said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and

Ayer Water
Loan.

Sinking fund. conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

When to take effect.

SECTION 4. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within three years after its passage.

Approved May 26, 1906.

Chap.425 AN ACT TO ESTABLISH THE SALARY OF THE SECRETARY OF THE STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

Salary of secretary of the state board of health.

SECTION 1. The secretary of the state board of health shall receive an annual salary of four thousand dollars and his necessary travelling expenses incurred in the performance of his official duties.

Repeal.

SECTION 2. So much of section three of chapter seventy-five of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1906.

Chap.426 AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND FIVE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the following purposes, to wit: —

Antitoxin, etc.

For expenses in connection with the production and distribution of antitoxin and vaccine lymph, two hundred seventy-one dollars and eighty cents.

Feeble-minded persons.

For expenses in connection with the support of certain feeble-minded persons and children having residence in

certain small towns, the sum of eleven hundred ninety-three dollars and forty-six cents.

For expenses in the division of minor wards, the sum of one hundred eighty-six dollars and fifty-one cents.

Division of minor wards.

For expenses in state armories, the sum of thirteen hundred twenty-eight dollars and forty-six cents.

State armories.

For printing the report of the joint special committee on railroad and street railway laws, the sum of one hundred eighty dollars and seventy-five cents.

Report of committee on railroad and street railway laws.

For expenses of the naval brigade, the sum of sixty-eight dollars and forty-seven cents.

Naval brigade.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1906.

AN ACT TO PROVIDE FOR THE WEEKLY PAYMENT OF WAGES BY COUNTIES. *Chap. 427*

Be it enacted, etc., as follows:

Section sixty-two of chapter one hundred and six of the Revised Laws, as amended by chapter four hundred and fifty of the acts of the year nineteen hundred and two, is hereby further amended by inserting after the word "every", in the seventeenth line, the words:—county and,—and by striking out after the word "town", in the twenty-first line, the words "and county", so as to read as follows:—*Section 62.* Every manufacturing, mining or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads, street railways, roads, bridges or sewers or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day; and the Commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every county and city shall so pay every employee who is engaged in its business, unless such mechanic, workman, laborer or employee requests in writing

R. L. 106, § 62, etc., amended.

Weekly payment of wages, etc.

to be paid in a different manner; and every town shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

Approved May 26, 1906.

Chap.428 AN ACT TO AUTHORIZE THE COUNTY OF BRISTOL TO EXPEND A CERTAIN SUM OF MONEY FOR THE COMPENSATION OF THE LIBRARIAN OF THE LAW LIBRARY AT FALL RIVER.

Be it enacted, etc., as follows:

County of
Bristol may
compensate
the librarian
of the law
library at
Fall River.

SECTION 1. The county of Bristol may expend annually a sum not exceeding three hundred dollars for compensation of the librarian of the law library established by law in Fall River. This sum shall be in addition to any sums now authorized by law to be expended for the purposes of said library.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1906.

Chap.429 AN ACT FURTHER TO AUTHORIZE THE MILLERS FALLS WATER SUPPLY DISTRICT TO ACQUIRE ADDITIONAL WATER SUPPLY.

Be it enacted, etc., as follows:

Millers Falls
Water Supply
District may
acquire addi-
tional lands,
etc.

SECTION 1. The Millers Falls Water Supply District may acquire by purchase or otherwise, or may take, and may hold in fee or otherwise, any lands, easements or rights in land within the limits described in chapter five hundred of the acts of the year nineteen hundred and two, which it may adjudge necessary for the purpose of carrying out the

provisions of said act; and the power hereby granted shall be exercised in the manner and subject to the duties and liabilities set forth in chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1906.

AN ACT TO AUTHORIZE THE DRACUT WATER SUPPLY DISTRICT
TO MAKE AN ADDITIONAL WATER LOAN. Chap.430

Be it enacted, etc., as follows:

SECTION 1. The Dracut Water Supply District, for the purposes mentioned in chapter four hundred and thirty-three of the acts of the year nineteen hundred and five, may issue bonds, notes or scrip, signed by the treasurer of the water supply district and countersigned by the chairman of the water commissioners, to be denominated on the face thereof, Dracut Water Supply District Loan, Act of 1906, to an amount not exceeding ten thousand dollars in addition to the amount heretofore authorized to be issued by said district for the same purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions, and with the same powers on the part of the said district, as are specified in said chapter.

Dracut Water
Supply Dis-
trict Loan,
Act of 1906.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1906.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF
SAUGUS. Chap.431

Be it enacted, etc., as follows:

SECTION 1. The vote passed by the town of Saugus at the annual town meeting held in the year nineteen hundred and six, appropriating the sum of five hundred dollars to be paid to George Sewall for injuries received by him while in the employ of said town, is hereby legalized, ratified and confirmed.

Certain pro-
ceedings of
the town of
Saugus con-
firmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1906.

AN ACT RELATIVE TO MEMBERSHIP IN THE PROPRIETORS OF
THE SOUTH CHURCH IN SALEM. Chap.432

Be it enacted, etc., as follows:

SECTION 1. All persons now holding deeds to pews or parts of pews in the church building formerly standing on

Membership
in the Pro-
priators of the

South Church
in Salem.

Chestnut street in Salem, which belonged to the Proprietors of the South Church in Salem, incorporated March fifteenth, eighteen hundred and five, shall be deemed to be proprietors or members of said corporation, and other persons over twenty-one years of age may become proprietors or members upon such terms and conditions as may from time to time be prescribed by the by-laws of said corporation. Each proprietor or member shall have one vote.

Repeal.

SECTION 2. So much of chapter one hundred and twenty-four of the acts of the year eighteen hundred and four, approved March fifteenth, eighteen hundred and five, as is inconsistent herewith is hereby repealed. Chapter two hundred and eight of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1906.

Chap. 433 AN ACT RELATIVE TO THE SUPERVISION BY THE MASSACHUSETTS HIGHWAY COMMISSION OF ALL COMPANIES ENGAGED IN THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY.

Be it enacted, etc., as follows:

The Massachusetts highway commission to have supervision of companies transmitting intelligence by electricity, etc.

SECTION 1. The Massachusetts highway commission shall have general supervision of all companies engaged in the transmission of intelligence by electricity within this Commonwealth, and shall make all necessary examinations and inquiries and keep themselves informed as to the compliance of all such companies with the provisions of law. None of said commissioners shall be in the employ of or own any stock in any company engaged in the transmission of intelligence by electricity in this Commonwealth, or be in any way, directly or indirectly, pecuniarily interested in the manufacture or sale of any article or commodity used by such companies, or for any purpose connected with the business of transmission of intelligence by electricity, nor shall he be connected with, or in the employ of any person, partnership, association or corporation which finances any such company. Each member of said commission shall receive from the Commonwealth annually fifteen hundred dollars in addition to the compensation now provided by law.

Compensation.

Expenses.

SECTION 2. Said commission may expend in the performance of its duties under this act for necessary statistics, books, stationery, clerical, travelling and incidental

expenses, a sum not exceeding six thousand dollars annually.

SECTION 3. All sums of money annually appropriated for the additional salaries and expenses of the Massachusetts highway commission required by this act shall be apportioned by the tax commissioner among the several companies engaged in the business of the transmission of intelligence by electricity within the Commonwealth; and on or before the first day of July in each year he shall assess upon each of said companies its share of such sums in proportion to its gross earnings in this Commonwealth for the year last preceding the year in which the assessment is made; and such assessment shall be collected in the same manner as taxes upon corporations.

Amount of expenses to be apportioned by the tax commissioner, etc.

SECTION 4. Said commission shall annually, on or before the first Wednesday in January, transmit to the secretary of the Commonwealth a report to the general court of all proceedings under the provisions of this act during the period covered by the report, together with such suggestions as to the condition or conduct of companies engaged in the transmission of intelligence by electricity as the said commission may deem expedient.

Annual report.

SECTION 5. Upon complaint in writing relative to the service or charges for service in, to or from any city or town in the Commonwealth as rendered or made by any company engaged therein in the transmission of intelligence by electricity, signed by the mayor of the city or the selectmen of the town, or by twenty customers of the company, the commission shall notify the company by leaving at its office or place of business in such city or town a copy of the complaint, and shall thereupon, after notice, give a public hearing to the complainant or complainants and to the company, and after the hearing may make such recommendations concerning the reduction, modification or continuation of such charges for service, or concerning improvements in the quality of the service, or concerning such other matters in the premises as the commission shall deem just and proper. Any such recommendations shall be transmitted in writing by the commission to the company complained of, and a report of the proceedings and of the result thereof shall be included in the annual report of the commission, together with a statement of the action, if any, which the company has taken on the recommendation.

Hearing to be given on complaint relative to service, etc.

The attorney-general to take proceedings in certain cases, etc.

SECTION 6. If a company engaged in the transmission of intelligence by electricity violates or neglects in any respect to comply with the provisions of any law, said commission shall give due notice thereof in writing to such company and to the attorney-general, who shall take such proceedings thereon as he may deem expedient.

Supreme judicial court to have jurisdiction.

SECTION 7. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of said commission, to enforce all lawful orders of the commission and all provisions of law herein contained.

Annual returns to be made, etc.

SECTION 8. Every company engaged in the business of the transmission of intelligence by electricity within the Commonwealth shall annually, on or before the first day of October in each year after the year nineteen hundred and six, submit to said commission a report of its doings for the year ending on such date or dates preceding as said commission may designate, which report shall be in such form and detail as the commission may from time to time prescribe, and shall be called the "Annual Return." Such return shall be sworn to by the treasurer and by the chief accounting officer of such company, and shall include a statement of its business, receipts and expenditures within the Commonwealth during the year, its dividends paid out and declared, the amount of its authorized capital and its indebtedness and financial condition, on such date or dates as said commission may designate.

Penalty for neglect to make return.

SECTION 9. Any company engaged in the business of the transmission of intelligence by electricity within the Commonwealth neglecting to make the annual return required by the preceding sections shall, for the first fifteen days or portion thereof during which such neglect continues, forfeit five dollars a day; for the second fifteen days or any portion thereof, ten dollars a day; and for each day thereafter a sum not exceeding fifteen dollars a day. If any company unreasonably refuses or neglects to make such return, it shall, in addition thereto, forfeit not more than five hundred dollars for each offence. All forfeitures recovered under the provisions of this act shall be paid into the treasury of the Commonwealth.

Companies to furnish information, etc.

SECTION 10. In addition to the annual return required by section eight, every such company shall at all times, upon request, furnish to the said commission any information required by the commission concerning the condition, management and operation of its business within the Com-

monwealth, or concerning its rates or charges or the facilities afforded by it to the public therein, and shall comply with all lawful orders of said commission; and the commission may at all reasonable times have access to the books of such company.

SECTION 11. Every company engaged in the business of the transmission of intelligence by electricity within the Commonwealth shall keep its books and accounts covering the business done within the Commonwealth in a form approved by said commission. Books and accounts.

SECTION 12. The word "company" shall include every person, partnership, association and corporation engaged in the business of the transmission of intelligence by electricity. The word "company" defined.

SECTION 13. In all investigations made by the board, and in all proceedings before it, any member thereof may summon witnesses in behalf of the Commonwealth, and may administer oaths and take testimony. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the superior court, and shall be paid by the Commonwealth upon the certificate of the board filed with the auditor. Witnesses may be summoned, etc.

SECTION 14. This act shall take effect on the first day of July, nineteen hundred and six. When to take effect.

Approved May 31, 1906.

AN ACT RELATIVE TO LICENSING DEALERS IN COAL AND COKE. *Chap. 434*
Be it enacted, etc., as follows:

SECTION 1. Section two of chapter four hundred and eighty-four of the acts of the year nineteen hundred and three is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 2.* The said license may be granted by the secretary of the Commonwealth for such period, and upon such conditions and terms as may be prescribed in cities by ordinance and in towns by by-laws, and upon the payment of such fees, not exceeding one dollar for each year of its continuance, as may be prescribed by the secretary. 1903, 484, § 2, amended. Licenses to be issued by the secretary of the Commonwealth.

SECTION 2. Section three of said chapter is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 3.* The said licenses may be suspended or revoked at any time by any justice of the superior court, after due hearing, upon com- 1903, 484, § 3, amended. Licenses may be suspended or revoked.

plaint in such form as he may require, for using false weights or measures, for charging exorbitant or excessive prices, for conspiring, combining unlawfully with other persons, or unlawfully discriminating in the conduct of said business, or for any other just and sufficient reason.

Repeal.

SECTION 3. Section four of said chapter is hereby repealed.

Approved May 31, 1906.

Chap. 435 AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND MAINTENANCE OF FREE EMPLOYMENT OFFICES IN CERTAIN CITIES.

Be it enacted, etc., as follows:

Free employment offices to be established, etc.

SECTION 1. There shall be established and maintained, under the care and direction of the chief of the bureau of statistics and labor, in such cities as may be selected after proper investigation by said bureau, and with the approval of the governor and council, offices for the purpose of bringing together those who seek employment and those who desire to employ.

Time within which such offices may be established.

SECTION 2. The chief of the bureau of statistics of labor is hereby authorized and directed to organize and establish within three months after the passage of this act, in the city or cities selected, a free public employment office, which office shall be provided with suitable rooms, furniture and equipment required for the transaction of the business provided for in this act, and shall appoint a superintendent and clerk for each of said offices, to discharge, under the direction of said chief, the duties hereinafter set forth, or which may be required by said chief.

Record of applicants for employment.

SECTION 3. It shall be the duty of such superintendents to receive and record in properly arranged books, devised by the bureau of statistics of labor, all applications from those seeking employment and also from those desiring to employ, and to take such other action as may be deemed best by the chief of said bureau to promote the purpose of said offices. Such records shall show plainly in brief the qualifications of all applicants and such other facts as shall be deemed necessary by the chief of said bureau, who shall furnish to each superintendent all such record books, forms, blanks, or other stationery and postage as may be required in conducting the office. Each superintendent shall plainly indicate by a proper sign or signs the location of his office, and he shall be allowed such additional clerical assistance as the chief shall deem necessary.

SECTION 4. No fees, direct or indirect, shall in any case be taken from those seeking the benefits of the offices herein provided for. No fees to be taken.

SECTION 5. The privilege of registration shall be confined to residents of the Commonwealth. Proof of residence, when necessary, may be required from a selectman of a town or the mayor of a city. Only residents entitled to be registered.

SECTION 6. Each superintendent shall make to the chief of said bureau a semi-weekly report of such applications for labor or employment as may be registered in his office, with such details as may be required by the chief. The said chief shall cause all such reports to be printed at regular intervals and to be exchanged between the said offices, and shall supply them to the newspapers and to citizens upon request; and the several superintendents shall cause such reports to be posted in a conspicuous place in their offices so that they may be open to public inspection. Semi-weekly report.

SECTION 7. Any clerk or superintendent who directly or indirectly charges or receives any fee in the performance of his duties shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than one hundred dollars, or to imprisonment in the county jail for a term not exceeding thirty days. Such fine or imprisonment shall disqualify him from holding further connection with said offices. Penalty for misdemeanor.

SECTION 8. There shall be paid out of the treasury of the Commonwealth, on the approval of the chief of the bureau of statistics of labor, for salaries and for contingent expenses in connection with such free employment offices and for the expenses of the bureau of statistics of labor in connection with the requirements of this act, a sum not exceeding five thousand dollars. The annual salary of the superintendents and clerks shall be fixed by the chief of said bureau, with the approval of the governor and council. Expense to be paid from treasury of the Commonwealth.

Approved May 31, 1906.

Salaries.

AN ACT TO EXEMPT FROM THE COLLATERAL LEGACY TAX PROPERTY GIVEN IN TRUST FOR PUBLIC CHARITABLE PURPOSES. *Chap. 436*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter fifteen of the Revised Laws, as amended by chapter four hundred and seventy of the acts of the year nineteen hundred and five, is hereby further amended by inserting after the word R. L. 15, § 1, etc., amended.

Taxation of
collateral
legacies, etc.

Exemptions.

To apply to
cases in which
tax remains
unpaid.

“taxation”, in the fifteenth line, the words:—or to a trustee or trustees for public charitable purposes within the Commonwealth,—so as to read as follows:—*Section 1.* All property within the jurisdiction of the Commonwealth, corporeal or incorporeal, and any interest therein, whether belonging to inhabitants of the Commonwealth or not, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, sale or gift, made or intended to take effect in possession or enjoyment after the death of the grantor, to any person, absolutely or in trust, except to or for the use of the father, mother, husband, wife, lineal descendant, brother, sister, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter, of a decedent, or to or for the use of charitable, educational or religious societies or institutions, the property of which is by law exempt from taxation, or to a trustee or trustees for public charitable purposes within the Commonwealth, or to or for the use of a city or town for public purposes, shall be subject to a tax of five per cent of its value, for the use of the Commonwealth; and administrators, executors and trustees, and any such grantees under a conveyance made during the grantor’s life, shall be liable for such taxes, with interest, until the same have been paid; but no bequest, devise or distributive share of an estate, unless its value exceeds five hundred dollars, shall be subject to the provisions of this chapter.

SECTION 2. The provisions of this act shall apply to all cases in which such tax remains unpaid at the date of the passage hereof.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1906.

Chap. 437 AN ACT RELATIVE TO INCREASE OF THE CAPITAL STOCK BY GAS COMPANIES.

Be it enacted, etc., as follows:

Corporations
engaged in
making or
selling gas
may increase
capital stock.

Proviso.

A corporation created by special charter or organized under the general laws of this Commonwealth for the purpose of making and selling gas for light or heat in a city or town may increase its capital stock to an amount not exceeding the total amount of four hundred thousand dollars beyond the limit allowed by section thirty-two of chapter one hundred and ten of the Revised Laws: *provided,*

that no such increase shall be made until the board of gas and electric light commissioners shall have given a public hearing upon an application for such increase, after such notice by publication or otherwise as the board may order, nor until said board shall have certified in writing, after due examination, that in their opinion the total capitalization of said company, when so increased, will not exceed the fair valuation of the assets of the company after making proper deductions for depreciation of the plant; and *provided, further*, that such additional stock shall be issued in accordance with the provisions of chapter one hundred and nine of the Revised Laws. *Approved May 31, 1906.*

Proviso.

AN ACT TO LEGALIZE AND CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF STONEHAM. *Chap. 438*

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the town of Stoneham at its annual meetings in the years eighteen hundred and ninety-three, eighteen hundred and ninety-four, eighteen hundred and ninety-five, eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, nineteen hundred, nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four, nineteen hundred and five and nineteen hundred and six, and the elections of town officers thereat, shall not be invalid by reason of the omission in the warrants calling the meetings to state the time of opening and closing the polls; and the proceedings of said meetings are hereby legalized and confirmed, notwithstanding said omission in the warrants, and notwithstanding any irregularities in the proceedings of said meetings resulting from said omissions.

Certain proceedings of the town of Stoneham confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1906.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS AND FOR CERTAIN ADDITIONS AT THE MEDFIELD INSANE ASYLUM. *Chap. 439*

Be it enacted, etc., as follows:

SECTION 1. In order to provide additional accommodations for the insane at the Medfield insane asylum the trustees thereof are authorized to expend a sum not ex-

Construction of new buildings at the Medfield insane asylum.

ceeding twenty-two thousand dollars, for the following purposes: — For constructing and furnishing a superintendent's house, a sum not exceeding ten thousand dollars; for altering and repairing the old power house and its equipment for use as a bakery and storage for flour, and for the construction of a subway therefrom to the kitchen building, a sum not exceeding twelve thousand dollars.

Treasurer
and receiver
general to
issue scrip, etc.

SECTION 2. To meet the expenditures hereby authorized the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness to an amount not exceeding twenty-two thousand dollars, as an addition to the Medfield Insane Asylum Loan, and shall add to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of April and October, but none of the same shall be sold for less than the par value thereof.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1906.

Chap. 440 AN ACT TO AUTHORIZE PROBATION OFFICERS OF THE SUPERIOR COURT TO EXPEND MONEY FOR THE TEMPORARY SUPPORT AND TRANSPORTATION OF PERSONS ON PROBATION.

Be it enacted, etc., as follows:

R. L. 217, § 94,
amended.

Support of
persons on
probation.

Section ninety-four of chapter two hundred and seventeen of the Revised Laws is hereby amended by inserting at the beginning of the first line the words: — The superior court or, — so as to read as follows: — *Section 94.* The superior court or a police, district or municipal court may authorize a probation officer to expend such amount as the court considers expedient for the temporary support or transportation, or both, of a person placed on probation, and such amount shall be repaid to the probation officer by the county upon vouchers approved by the court. A record of any amount so authorized shall be entered on the clerk's docket of the case. *Approved May 31, 1906.*

Chap. 441 AN ACT TO PROVIDE FOR FURTHER IMPROVING WITCHMERE HARBOR.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to

SECTION 1. The board of harbor and land commissioners is hereby authorized to complete the improvements

already begun in Witchmere harbor, so-called, at Harwich-port, in the town of Harwich, by extending the jetties therein, and by such other work as may be necessary to make the harbor safe and convenient, and may expend for this purpose a sum not exceeding ten thousand dollars.

further
improve
Witchmere
harbor.

SECTION 2. Said board may acquire by purchase or otherwise, or may take, in the name and behalf of the Commonwealth, any land or materials necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any other doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have the powers which are conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the sum hereby appropriated.

May take
necessary
land, etc.

SECTION 3. This act shall take effect upon its passage.

Approved May 31, 1906.

AN ACT RELATIVE TO THE ACCEPTANCE BY THE TOWN OF DANVERS OF AN ACT TO PROVIDE FOR SUPPLYING WATER TO THE DANVERS INSANE HOSPITAL, AND DEFINING THE WORDS "ACCRUED INTEREST" USED IN THAT ACT.

Chap. 442

Be it enacted, etc., as follows:

SECTION 1. The accrued interest provided for in section six of chapter four hundred and sixty-nine of the acts of the year nineteen hundred and five, relating to a supply of water to the Danvers insane hospital by the town of Danvers, shall be computed from the first day of December in the years nineteen hundred, nineteen hundred and one, nineteen hundred and two, nineteen hundred and three, nineteen hundred and four, to the twenty-sixth day of May in the year nineteen hundred and five, upon the principal amounts due for the water supplied during the year, or part thereof, immediately preceding the said dates respectively, and without compounding any part thereof.

Time of com-
puting interest
on certain
amounts due
for supplying
water, etc.

SECTION 2. The action taken by the town of Danvers at the town meeting held on the seventh day of June in the year nineteen hundred and five, purporting to accept the provisions of the said chapter four hundred and sixty-

Certain action
by the town
ratified.

Proviso. nine, shall be a sufficient acceptance of the said provisions for all purposes and as of that date: *provided*, that the definition of "accrued interest", as made in the preceding section, shall be accepted by the town as hereinafter provided.

When to take effect.

SECTION 3. This act shall be submitted to the town at a town meeting to be held within two months after its passage, and shall take full effect upon the acceptance by the town at such meeting of the definition of the term "accrued interest", set forth in section one.

Approved May 31, 1906.

Chap. 443 AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF APPONEGANSETT HARBOR IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

Harbor and land commissioners may further improve Apponegansett harbor, etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to expend, in its discretion, a sum not exceeding ten thousand dollars, for further improving the harbor at Apponegansett, in the town of Dartmouth, by extending the stone breakwater built in said harbor pursuant to the provisions of chapter five hundred and nine of the acts of the year nineteen hundred and two.

SECTION 2. This act shall take effect upon its passage.

Approved May 31, 1906.

Chap. 444 AN ACT RELATIVE TO CAUCUSES AND ELECTIONS.

Be it enacted, etc., as follows:

Caucuses for a certain purpose to be held in each voting precinct.

SECTION 1. A caucus held in a city or town by a political party which has adopted the provisions of section ninety-nine of chapter eleven of the Revised Laws and of the following thirty-two sections of said chapter, or the corresponding provisions of earlier laws, and in cities and towns where elections are held in voting precincts under and by virtue of sections one hundred and sixty-six to one hundred and seventy, inclusive, and of section three hundred and fifty-three of said chapter, shall be held in each of the voting precincts therein: *provided*, that the city or town committee of either of the two chief political parties shall, two weeks at least before the time for holding the

Proviso.

caucus, file a written request to the foregoing effect with the aldermen of the city or the selectmen of the town. In case such request is filed, the aldermen or selectmen shall furnish a polling place in every such precinct for the use of the political party filing such request, in accordance with the provisions of section one hundred and five of said chapter.

SECTION 2. The first paragraph of section one hundred and five of said chapter eleven is hereby amended by inserting after the word "ward", in the eighth line, the words: — and in cities and towns where elections or caucuses are held in voting precincts one in each of such precincts, — so that said paragraph will read as follows: —

R. L. 11, § 106,
amended.

Section 105. At least two weeks prior to the day named for a caucus, the chairman or secretary of the city or town committee shall give notice of such date to the aldermen or to the selectmen, or in Boston to the election commissioners, who shall, at least ten days prior to such date, notify the city or town committee of the places selected for holding the caucuses, and shall, at the expense of the city or town, provide polling places, in a city not less than one for each ward, and in cities and towns where elections or caucuses are held in voting precincts one in each of such precincts; and furnish them with booths, registering ballot boxes, guard rails and the like, as they are arranged for state elections.

Polling places
to be provided.

SECTION 3. Section one hundred and thirty of chapter eleven of the Revised Laws is hereby amended by striking out the word "or", in the fifth line, and by inserting after the word "town", in said line, the words: — or voting precinct in cities and towns where elections or caucuses are held in such precincts, — so as to read as follows: —

R. L. 11, § 130,
amended.

Section 130. A city or town committee of a political party adopting the special provisions of this chapter applying to caucuses in Boston and certain cities and towns shall, at least ten days before holding any caucus thereunder, appoint caucus officers in each ward, town or voting precinct in cities and towns where elections or caucuses are held in such precincts, to serve at the first caucus to be held thereafter.

Appointment
of officers for
first caucus.

SECTION 4. Section one hundred and forty-three of chapter eleven of the Revised Laws is hereby amended by striking out the words "one voter", in the eighth line, and inserting in place thereof the words: — two voters, — so

R. L. 11, § 143,
amended.

Nomination
papers, num-
ber of signa-
tures, etc.

as to read as follows: — *Section 143.* Nominations of candidates for any offices to be filled by all the voters of the Commonwealth may be made by nomination papers, stating the facts required by section one hundred and forty-six and signed in the aggregate by not less than one thousand voters for each candidate. Nominations of all other candidates for offices to be filled at a state election, and of all candidates for offices to be filled at a city election, may be made by like nomination papers, signed in the aggregate, for each candidate, by two voters for every one hundred votes cast for governor at the preceding annual state election in the electoral district or division for which the officers are to be elected, but in no case by less than fifty qualified voters. Nominations of candidates for offices to be filled at a town election may be made by nomination papers, signed by at least one voter for every fifty votes polled for governor at the preceding annual state election in such town, but in no case by less than twenty voters. At a first election to be held in a newly established ward of a city, the number of voters upon a nomination paper of a candidate who is to be voted for only in such ward need not exceed fifty; and at a first election in a town the number for the nomination of a candidate who is to be voted for only in such town need not exceed twenty.

R. L. 11, § 144,
amended.

Nomination
papers,
signature of
voter, etc.

SECTION 5. Section one hundred and forty-four of said chapter eleven is hereby amended by inserting after the word "residence", in the fourth line, the words: — on the previous first day of May and the place where he is then living, — so that the first sentence of said section will read as follows: — *Section 144.* Every voter who signs a nomination paper shall sign it in person, with his full surname, his Christian name and the initial of every other name which he may have, and shall add his residence on the previous first day of May and the place where he is then living, with the street and number thereof, if any, to his signature; but any voter who is prevented by a physical disability from writing or who had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, may authorize some person to write his name and residence in his presence; and every voter may sign as many nomination papers for each office to be filled as there are persons to be elected thereto, and no more.

R. L. 11, § 182,
amended.

SECTION 6. Section one hundred and sixty-two of chapter eleven of the Revised Laws is hereby amended by strik-

ing out all after the word "voters", in the third line, down to and including the word "voters", in the seventh line, and inserting in place thereof the following:— Every ward shall constitute a voting precinct by itself, or shall be divided into such precincts. If a ward constituting one precinct contains less than one thousand voters, according to the registration of voters at the preceding annual city election, — so as to read as follows:— *Section 162.* Each city shall be divided into convenient voting precincts, designated by numbers or letters and containing not more than one thousand voters. Every ward shall constitute a voting precinct by itself, or shall be divided into such precincts. If a ward constituting one precinct contains less than one thousand voters, according to the registration of voters at the preceding annual city election, the aldermen may, and if it contains more than one thousand voters, shall, on or before the first Monday of July, divide it into two or more voting precincts. If a voting precinct shall, in any year, according to such registration, contain more than one thousand voters, the aldermen shall in like manner either divide such precinct into two or more voting precincts or shall make a new division of the ward into voting precincts, so that no precinct shall contain more than one thousand voters. Such precincts shall be so established as to contain, as nearly as may be, an equal number of voters, shall consist of compact and contiguous territory entirely within one ward, and be bounded, so far as possible, by the centre line of known streets or ways or by other well-defined limits.

Voting
precincts,
designation,
etc.

SECTION 7. A copy of the voting list for each precinct in the city of Boston required to be made by section seventy-seven of chapter eleven of the Revised Laws shall be furnished by the board of election commissioners at each primary and at each election to the warden in charge of each polling place for the use of the police officer in each polling place. Said list shall not be removed from the polling place and shall be returned to the warden immediately after the close of the polls, and he shall immediately transmit the same to the board of election commissioners according to the provisions of section two hundred and thirty-nine of chapter eleven of the Revised Laws.

Copy of voting
list to be
furnished in
each polling
place.

SECTION 8. Section two hundred and thirty-three of chapter eleven of the Revised Laws, as amended by section ten of chapter four hundred and seventy-four of the acts

R. L. 11, § 233,
etc., amended.

Deposit of
ballot, etc.

of the year nineteen hundred and three, is hereby further amended by inserting after the word "name", in the seventh line, the words:—and in Boston the height,— and by striking out the word "it", in the seventh line, and inserting in place thereof the words:— the name,— so as to read as follows:— *Section 233.* A voter after marking his ballot shall give his name and, if requested, his residence, to one of the officers in charge of the ballot box, who shall distinctly announce the same. If the name is found upon the voting list by the election officer, he shall distinctly repeat the name, and in Boston the height, and check the name upon the voting list; and the voter may then deposit his ballot in the ballot box with the official indorsement uppermost and in sight. No ballot without the official indorsement, except as provided in section two hundred and ten, shall be deposited in the ballot box. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section sixty-four.

Result of elec-
tion to be
tabulated, etc.

SECTION 9. The clerk of a city or town to which this act shall apply, immediately upon receipt of the returns from the caucus officers, which shall be made as provided in section one hundred and twenty-four of said chapter eleven, shall tabulate and determine the results thereof, and shall certify to the facts required by section one hundred and forty-two of said chapter eleven, and in accordance with the provisions of said section one hundred and forty-two and section one hundred and forty-seven of said chapter eleven, except in cases where the nomination is for an office to be filled by the voters of a city or town to which the provisions of this act shall apply, in which cases no such certificate shall be required.

R. L. 11, § 237,
amended.

SECTION 10. The last paragraph of section two hundred and thirty-seven of chapter eleven of the Revised Laws is hereby amended by striking out all after the word "towns", in the thirty-ninth line, to and including the word "census", in the forty-first line, so as to read as follows:—

Removal of
ballots from
ballot box, etc.

In towns, the ballot box at any polling place may be opened and ballots taken therefrom for counting when all the selectmen and the town clerk, or both the moderator and the town clerk, as the case may be, or all the election officers at the voting precinct shall so order. When the

ballots have been thus removed, the presiding officer shall select from the election officers an equal number from each of the two leading political parties, who shall canvass such ballots, in accordance with the provisions of this section; but no announcement of the result of such canvass shall be made by any election officer until the total result of the canvass of ballots has been ascertained.

SECTION 11. The second paragraph of section two hundred and sixty-seven of chapter eleven of the Revised Laws is hereby amended by striking out the words "may appear and be present during such recount, either in person or by an agent appointed by him in writing", in the thirtieth, thirty-first and thirty-second lines, and inserting in place thereof the words: — shall be allowed to be present and witness such recount either in person, accompanied with counsel if he so desires, or by an agent appointed by him in writing. In the case of a recount of the ballots cast upon a question submitted to the voters, one representative from any committee organized to favor or to oppose the question so submitted shall be permitted to be present and witness the recount, — so that the said paragraph will read as follows: —

R. L. 11, § 267,
amended.

The registrars of voters, or in Boston the election commissioners, shall, before proceeding to recount the ballots, give notice in writing to the several candidates interested in such recount and liable to be affected thereby, or to such person as shall be designated by the petitioners for a recount of ballots cast upon questions submitted to the voters, of the time and place of making the recount, and each such candidate or person representing petitioners shall be allowed to be present and witness such recount, either in person, accompanied with counsel if he so desires, or by an agent appointed by him in writing. In the case of a recount of the ballots cast upon a question submitted to the voters, one representative from any committee organized to favor or to oppose the question so submitted shall be permitted to be present and witness the recount. In the city of Boston, the chairman of the city committee representing the largest political party and the chairman of the city committee representing the second largest political party may in writing designate two persons, or such further number as the election commissioners may allow, to be present and witness the count, and said board shall allow each candidate whose election is in ques-

Recount of
ballots, etc.

tion, or his representative, to be present and may allow representatives of other political parties and other persons to be present and witness the recount.

1903, 279, § 1,
etc., amended.

Board of police
of Boston to
make certain
lists, etc.

SECTION 12. Section one of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three, as amended by section two of chapter two hundred and forty-five of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "upwards", in the tenth line, the words: — who is not a pauper in a public institution, — so as to read as follows: — *Section 1.* In Boston the board of police shall, within the first seven week days of May in each year, by itself or its officers, visit every building in said city, and after diligent inquiry make true lists, arranged by streets, wards and voting precincts, and containing as nearly as the board can ascertain, the name, age, occupation and residence on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person, twenty years of age or upwards, who is not a pauper in a public institution, residing in said city. Said board shall designate in such lists all buildings used as residences by such male persons, in their order on the street where they are located, by giving the number or other definite description of every such building so that it can be readily identified, and shall place opposite the number or other description of every such building the name, age and occupation of every such male person residing therein on the first day of May in the current year, and his residence on the first day of May in the preceding year. The board shall also inquire at the residences of the women voters whose names are contained in the list transmitted to them by the election commissioners under section eight of this act whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

R. L. 11, § 380,
amended.

Penalty on
public officer,
election officer,
etc.

SECTION 13. Section three hundred and eighty of chapter eleven of the Revised Laws is hereby amended by inserting after the word "by", in the sixth line, the words: — a fine of not less than five nor more than one thousand dollars, or by, — and by inserting after the word "year", in the seventh line, the words: — or by both such fine and imprisonment, — so as to read as follows: — *Section 380.* A public officer, caucus or election officer, or officer or member of a political committee or political convention, upon

whom a duty is imposed by law, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is herein specifically imposed therefor, be punished by a fine of not less than five nor more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. An election officer in the city of Boston who knowingly permits or aids in the violation of any provisions of law relating to registration or elections, shall be punished by imprisonment in the state prison for not more than three years or in the house of correction for not less than six months.

Approved May 31, 1906.

AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE HYANNIS FIRE DISTRICT AND ITS INHABITANTS.

Chap. 445

Be it enacted, etc., as follows:

SECTION 1. The Hyannis Fire District in the town of Barnstable may supply itself and its inhabitants with water for extinguishing fires and for domestic, manufacturing and other purposes; may establish fountains and hydrants and relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

The Hyannis Fire District may supply itself, etc., with water.

SECTION 2. Said fire district, for the purposes aforesaid may, by purchase or otherwise, acquire water by means of bored, driven or other wells, on any land within said district: *provided*, that no source of water supply shall be taken for domestic purposes without the written approval of the state board of health. Said district may hold said water and convey it through said fire district and may acquire, by purchase or otherwise, and hold all lands, rights of way, and easements within said district, necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said district; and may erect on the lands so taken, purchased or held, proper dams, reservoirs, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works under or over any lands, water courses, railroads, railways or public or pri-

May acquire water by means of wells, etc.

Proviso.

May convey water through the district, etc.

Title to land taken, etc., to vest in the district, etc.	<p>vate ways, and along any such way in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act said Hyannis Fire District may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all land taken or purchased under the provisions of this act shall vest in said Hyannis Fire District, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said district. Said district shall not enter upon, construct or lay any conduits, pipes or other works, within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure to so agree, as may be approved by the board of railroad commissioners.</p>
Not to enter upon the location of a railroad corporation, except, etc.	<p>SECTION 3. Said Hyannis Fire District shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Barnstable a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.</p>
Description of lands, etc., taken to be recorded.	<p>Damages. SECTION 4. Said Hyannis Fire District shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way, water, water sources, water rights or easement, or by any other thing done by said district under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said district as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on making application at any time within the period of two years after the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years. No application for the assessment of damages shall be made for the taking of any water, water right or for any injury thereto until the water is actually withdrawn or</p>

diverted by said Hyannis Fire District, under the authority of this act.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the said district may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the Hyannis Fire District shall have judgment for its costs after said date, for which execution shall issue; and the petitioner, if he recovers damages shall be allowed his costs only to the date of such offer or tender.

District may tender any sum for damages, etc.

SECTION 6. Said district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate forty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Hyannis Fire District Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the Hyannis Fire District and countersigned by the water commissioners hereinafter provided for. Said district may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of such loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Hyannis Fire District Water Loan.

Proviso.

SECTION 7. Said district instead of establishing a sinking fund may at the time of authorizing said loan provide

Annual payments.

for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said district in each year thereafter, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan shall be extinguished.

Expenses.

SECTION 8. Said district shall raise annually by taxation a sum which, with the income derived from water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the notes, bonds or scrip issued as aforesaid by said district, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

**Penalty for
corruption of
water, etc.**

SECTION 9. Whoever uses any water taken under this act without the consent of said Hyannis Fire District, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said district pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said district under the authority and for the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

**Liability for
payment of
water rates.**

SECTION 10. The occupant or any tenant shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable in case of non-payment by the occupant, for all sums due for the use of water under this act, to be collected in an action of contract in the name of the Hyannis Fire District.

**Board of
water com-
missioners,
election, term,
etc.**

SECTION 11. Said district shall, after the acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual fire district meeting, to constitute a board of water commissioners; and at every annual fire district meeting thereafter one such commissioner shall be elected

by ballot for a term of three years. All the authority granted to the fire district by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said fire district may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said fire district at any legal meeting held for the purpose.

SECTION 12. Said commissioners shall fix such prices or rents for the use of water as shall produce annually, as near as may be, a net surplus over operating expenses and interest charges equal to two per cent of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after payment of all expenses for new construction, not exceeding two thousand dollars in any one year after the original construction. The sinking fund shall be set apart for the payment and redemption of said water loan, and shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The net surplus aforesaid shall be paid into the sinking fund if any is established hereunder, and if said surplus does not equal two per cent of the total amount of the bonds, notes and scrip issued under this act, the Hyannis Fire District shall raise by general taxation a sum which with the surplus will equal said two per cent, and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the Hyannis Fire District may require, render an account of their doings in relation to the sinking fund, and shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws, except as herein otherwise provided.

Commis-
sioners to fix
prices for
water, etc.

SECTION 13. This act shall take full effect upon its acceptance by two thirds of the legal voters of the Hyannis Fire District present and voting thereon by ballot, at a legal fire district meeting called for the purpose within three months after the passage of this act. Notice of the meeting shall be given by posting a copy of the call in at least five conspicuous places in said district, and by pub-

When to take
full effect.

Proviso.

When to take effect for a certain purpose.

lishing said call, together with a copy of this act, in one or more newspapers published in the town within which said district is situated not less than seven days before the date of said meeting, and in such other manner as the rules or by-laws of said district require: *provided, however*, that the number of meetings so called within said period shall not exceed two.

SECTION 14. This act, for the purpose of being submitted to the voters of said district, shall take effect upon its passage.
Approved June 5, 1906.

Chap.446 AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO ERECT A FIRE ENGINE HOUSE AND TO BORROW MONEY THEREFOR.

Be it enacted, etc., as follows:

The city of Lawrence to purchase land and to erect a fire engine house.

SECTION 1. The city of Lawrence is hereby authorized to purchase land and to erect a fire engine house thereon in precinct sixteen of ward six, at a cost not exceeding twenty thousand dollars. For this purpose the city is hereby authorized to issue notes or bonds to an amount not exceeding twenty thousand dollars, to be denominated on the face thereof, Lawrence Fire Engine House Loan, Act of 1906, and bearing interest at a rate not exceeding four per cent per annum. Such notes or bonds shall be payable in such periods not exceeding ten years from the date of issue as the city council shall determine at the time of their issue, and they shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto, except that they shall not be reckoned in determining the statutory limit of indebtedness of the city.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1906.

Chap.447 AN ACT RELATIVE TO THE PAYMENT BY THE TOWN OF ATHOL OF ITS WATER LOAN.

Be it enacted, etc., as follows:

1905, 257, § 6, amended.

SECTION 1. Section six of chapter two hundred and fifty-seven of the acts of the year nineteen hundred and five is hereby amended by striking out all after the word "in", in the second line, to and including the word "act", in the sixth line, and inserting in place thereof the words: — annual payments at the rate of one fiftieth

part of the whole amount in each of the first ten years, one thirty-fifth part in each of the second ten years, and the remainder in approximately equal parts in each of the third ten years, — so as to read as follows: — *Section 6.* Payment of loan. Said town shall at the time of authorizing said loan provide for the payment thereof in annual payments at the rate of one fiftieth part of the whole amount in each of the first ten years, one thirty-fifth part in each of the second ten years, and the remainder in approximately equal parts in each of the third ten years; and when a vote to that effect has been passed, a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan is extinguished, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1906.

AN ACT TO PROVIDE FOR ENLARGING THE GREYLOCK STATE RESERVATION.

Chap. 448

Be it enacted, etc., as follows:

SECTION 1. The Greylock reservation commission is hereby authorized to expend for the purpose of acquiring, by purchase or otherwise, such lands adjoining the present Greylock state reservation or inclosed by it as the commission may deem it necessary or advisable to acquire, a sum not exceeding thirty thousand dollars during the three years nineteen hundred and six, nineteen hundred and seven and nineteen hundred and eight. The Greylock reservation commission to acquire additional land, etc.

SECTION 2. Said commission shall have the same powers to acquire, hold and care for such additional lands as are given to it by section four of chapter five hundred and forty-three of the acts of the year eighteen hundred and ninety-eight in respect to the lands already acquired by the commission for the said reservation. The additional land so acquired shall form a part of the said reservation, Powers of the commission, etc.

and the title thereto shall be and remain in the Commonwealth.

Expenses
for care of
reservation.

SECTION 3. The necessary expense for care and maintenance of the additional lands so acquired shall be paid by the county of Berkshire in the manner provided in section five of said chapter five hundred and forty-three.

SECTION 4. This act shall take effect upon its passage.

Approved June 5, 1906.

Chap.449 AN ACT TO ESTABLISH THE SALARIES OF THE ASSISTANT CLERKS AND THE AMOUNT ALLOWED FOR EXTRA CLERICAL ASSISTANCE IN THE MUNICIPAL COURT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salaries of
assistant
clerks of
municipal
court of
Boston.

SECTION 1. The second, third, fourth and fifth assistant clerks of the municipal court of the city of Boston for criminal business shall receive from the county of Suffolk annual salaries as follows:—Two thousand dollars, eighteen hundred dollars, sixteen hundred dollars and sixteen hundred dollars, respectively.

Extra clerical
assistance.

SECTION 2. The clerk of said court for criminal business shall be allowed for extra clerical assistance an amount not exceeding twenty-five hundred dollars a year, which shall be expended by him in accordance with the provisions of section sixty-seven of chapter one hundred and sixty of the Revised Laws.

Repeal.

SECTION 3. So much of any act as is inconsistent herewith is hereby repealed.

When to take
effect.

SECTION 4. This act shall take effect on the first day of July in the year nineteen hundred and six.

Approved June 5, 1906.

Chap.450 AN ACT TO ESTABLISH THE SALARY OF THE FOURTH ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Be it enacted, etc., as follows:

Salary of
fourth assist-
ant clerk of
the municipal
court of
Boston.

SECTION 1. The salary of the fourth assistant clerk of the municipal court of the city of Boston for civil business shall be eighteen hundred dollars a year.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1906.

AN ACT RELATIVE TO APPEALS BY JOINT DEFENDANTS.

Chap.451

Be it enacted, etc., as follows:

Section ninety-seven of chapter one hundred and seventy-three of the Revised Laws is hereby amended by adding at the end thereof the words:—In an action founded upon a liability which is joint, if some but not all of the defendants appeal, the case shall nevertheless be transferred as against all, and such judgment shall be entered in the superior court as justice may require; but a co-defendant who has not joined in the appeal shall not be liable for costs arising after the appeal was taken, — so as to read as follows:—*Section 97.* A party who is aggrieved by the judgment of a police, district or municipal court or trial justice in a civil action, except a judgment rendered in accordance with the provisions of section forty-two of chapter one hundred and sixty, may, within twenty-four hours after the entry of the judgment, appeal therefrom to the superior court. In such case, no execution shall issue on the judgment appealed from. The case shall be entered in the superior court for the same county at the return day next after the appeal has been taken and shall be there tried and determined as if it had been originally commenced there. In an action founded upon a liability which is joint, if some but not all of the defendants appeal, the case shall nevertheless be transferred as against all, and such judgment shall be entered in the superior court as justice may require; but a co-defendant who has not joined in the appeal shall not be liable for costs arising after the appeal was taken.

R. L. 173, § 97,
amended.

Appeal to the
superior court.

Approved June 5, 1906.

AN ACT RELATIVE TO THE APPOINTMENT OF GUARDIANS AD LITEM BY THE LAND COURT.

Chap.452

Be it enacted, etc., as follows:

SECTION 1. Section thirty-two of chapter one hundred and twenty-eight of the Revised Laws is hereby amended by inserting after the word "minors", in the third line, the words:— and for persons under disability, — by striking out the words "who are", in the fourth line, and by striking out the word "and", in the fifth line, so as to read as follows:—*Section 32.* Upon the return of the notice, and upon proof of service of all orders of notice issued, the

R. L. 128, § 32,
amended.

Guardian ad
litem.

court may appoint a disinterested person to act as guardian ad litem for minors, and for persons under disability, and for all persons not in being, unascertained, unknown or out of the Commonwealth, who may have an interest. The compensation of the guardian shall be determined by the court and paid as part of the expenses of the court.

R. L. 145, § 23,
amended.

Appointment
of guardian,
etc.

SECTION 2. Section twenty-three of chapter one hundred and forty-five of the Revised Laws is hereby amended by striking out the words "except the court of land registration", in the sixth line, so as to read as follows:—

Section 23. If, under the terms of a written instrument or otherwise, a minor or person under disability, or a person or persons not ascertained or not in being, may be or may become interested in any property real or personal, the court in which any action, petition or proceeding of any kind relative to or affecting any such estate is pending may, upon the representation of any party thereto, or of any person interested, appoint a suitable person to appear and act therein as guardian ad litem or next friend of such minor or person or persons under disability or not ascertained or not in being; and a judgment, order or decree in such proceedings, made after such appointment, shall be conclusive upon all persons for whom such guardian ad litem or next friend was appointed.

Approved June 5, 1906.

Chap. 453 AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF NANTUCKET HARBOR.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
further
improve
Nantucket
harbor.

SECTION 1. The board of harbor and land commissioners is hereby directed to expend in its discretion a sum not exceeding five thousand dollars for further improving the harbor of Nantucket by dredging the shoals lying between Brant Point and the wharves.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1906.

Chap. 454 AN ACT TO PROVIDE FOR THE DREDGING OF DORCHESTER BAY BY THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
dredge
Dorchester
bay.

SECTION 1. The board of harbor and land commissioners is hereby directed to dredge Dorchester bay, between Savin Hill and Commercial Point west of the

present channel, to a depth not exceeding nine feet at mean low water, and may expend for this purpose a sum not exceeding ten thousand dollars during the years nineteen hundred and six and nineteen hundred and seven, but not more than five thousand dollars shall be expended in any one year.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1906.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Chap.455

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, to be expended by the metropolitan park commission during the present fiscal year for the purpose of providing band concerts in parks, beaches and reservations within its jurisdiction, as authorized by chapter three hundred and seventy-five of the acts of the present year.

Care of reservations, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 5, 1906.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE MOTHER OF WILLIAM E. MAGURN.

Chap.456

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary E. Magurn, mother of William E. Magurn, deceased, late a member of the common council of said city, the amount of salary to which he would have been entitled if he had lived and completed his term of office as such member.

City of Boston may pay a sum of money to Mary E. Magurn.

SECTION 2. This act shall take effect upon its passage.

(The foregoing was laid before the Governor on the twenty-ninth day of May, 1906, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

approved by the said district attorney and by the county auditor.

Detail for
police and
detective
service.

SECTION 5. The superintendent of police of the city of Boston shall, upon the written request of the district attorney for the Suffolk district, detail for police and detective service, under his direction, inspectors or police officers, not exceeding two in number. Such officers or inspectors shall receive no extra compensation for services thus rendered, and shall be subject to the rules and regulations of the police department, unless relieved therefrom temporarily by the said superintendent, or by the commissioner or commissioners of police having the appointing power of said superintendent.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved June 6, 1906.

Chap. 461

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A HARBOR FOR BOATS AND YACHTS AT DEACON'S POND IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
make a survey
of Deacon's
pond, etc.

SECTION 1. The board of harbor and land commissioners shall cause to be made such examination and survey as may be found necessary of Deacon's pond in Falmouth, and the beach between it and Nantucket Sound, to determine the feasibility and cost of cutting a channel through said beach, protecting the same with jetties and riprap and deepening a part of said pond to form a harbor for boats and yachts having a draft of not less than six feet; and if it is found to be practicable to build such harbor said board is hereby directed to proceed forthwith to construct the same.

May acquire
land for con-
struction of a
harbor, etc.

SECTION 2. Said board may acquire by purchase or otherwise or may take in the name and behalf of the Commonwealth, any land or material necessary for the construction of said harbor, and the manner of such taking and of determining the damages caused thereby, or by the doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said

board, for the purposes of this act, shall have all the powers conferred upon said park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

SECTION 3. To carry out the provisions of this act there may be expended from the treasury of the Commonwealth during the years nineteen hundred and six and nineteen hundred and seven the sum of twenty-five thousand dollars, in addition to the amount paid into the treasury of the Commonwealth by the town of Falmouth: *provided, however*, that not more than fifteen thousand dollars, in addition to the amount so paid by the town of Falmouth, shall be expended during the year nineteen hundred and six.

Expenditure may be made from the treasury of the Commonwealth, etc.

Proviso.

SECTION 4. The town of Falmouth may, free of all expense to the Commonwealth, keep the channel and harbor constructed under the provisions of this act open and free from all obstructions to the depth to which it is cut by the said board of harbor and land commissioners.

The town of Falmouth to keep the channel open, etc.

SECTION 5. The work of constructing said harbor shall not be commenced by said board of harbor and land commissioners until there has been paid into the treasury of the Commonwealth the sum of ten thousand dollars, in accordance with the provisions of chapter sixty-nine of the acts of the year nineteen hundred and six.

Work not to be begun until a certain sum is paid by the town of Falmouth.

SECTION 6. This act shall take effect upon its passage.

Approved June 6, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN INSPECTOR OF MILK, BUTTER, CHEESE, LARD AND VINEGAR FOR THE CITY OF WORCESTER.

Chap. 462

Be it enacted, etc., as follows:

SECTION 1. The board of health of the city of Worcester is hereby authorized to appoint an inspector of milk, butter, cheese, lard and vinegar in said city. Upon the passage of this act, such inspector shall be appointed to serve from the date of his appointment until his successor is appointed and qualified; but he may be suspended or removed by said board for cause after a hearing of which he shall have at least forty hours' written notice, with a statement of the reasons for the contemplated suspension or removal. At the hearing he shall have the right to be

Inspector of milk, etc., appointment of, for the city of Worcester.

approved by the said district attorney and by the county auditor.

Detail for
police and
detective
service.

SECTION 5. The superintendent of police of the city of Boston shall, upon the written request of the district attorney for the Suffolk district, detail for police and detective service, under his direction, inspectors or police officers, not exceeding two in number. Such officers or inspectors shall receive no extra compensation for services thus rendered, and shall be subject to the rules and regulations of the police department, unless relieved therefrom temporarily by the said superintendent, or by the commissioner or commissioners of police having the appointing power of said superintendent.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved June 6, 1906.

Chap. 461 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A HARBOR FOR BOATS AND YACHTS AT DEACON'S POND IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
make a survey
of Deacon's
pond, etc.

SECTION 1. The board of harbor and land commissioners shall cause to be made such examination and survey as may be found necessary of Deacon's pond in Falmouth, and the beach between it and Nantucket Sound, to determine the feasibility and cost of cutting a channel through said beach, protecting the same with jetties and riprap and deepening a part of said pond to form a harbor for boats and yachts having a draft of not less than six feet; and if it is found to be practicable to build such harbor said board is hereby directed to proceed forthwith to construct the same.

May acquire
land for con-
struction of a
harbor, etc.

SECTION 2. Said board may acquire by purchase or otherwise or may take in the name and behalf of the Commonwealth, any land or material necessary for the construction of said harbor, and the manner of such taking and of determining the damages caused thereby, or by the doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said

board, for the purposes of this act, shall have all the powers conferred upon said park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

SECTION 3. To carry out the provisions of this act there may be expended from the treasury of the Commonwealth during the years nineteen hundred and six and nineteen hundred and seven the sum of twenty-five thousand dollars, in addition to the amount paid into the treasury of the Commonwealth by the town of Falmouth: *provided, however*, that not more than fifteen thousand dollars, in addition to the amount so paid by the town of Falmouth, shall be expended during the year nineteen hundred and six.

Expenditure may be made from the treasury of the Commonwealth, etc.

Proviso.

SECTION 4. The town of Falmouth may, free of all expense to the Commonwealth, keep the channel and harbor constructed under the provisions of this act open and free from all obstructions to the depth to which it is cut by the said board of harbor and land commissioners.

The town of Falmouth to keep the channel open, etc.

SECTION 5. The work of constructing said harbor shall not be commenced by said board of harbor and land commissioners until there has been paid into the treasury of the Commonwealth the sum of ten thousand dollars, in accordance with the provisions of chapter sixty-nine of the acts of the year nineteen hundred and six.

Work not to be begun until a certain sum is paid by the town of Falmouth.

SECTION 6. This act shall take effect upon its passage.

Approved June 6, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN INSPECTOR OF MILK, BUTTER, CHEESE, LARD AND VINEGAR FOR THE CITY OF WORCESTER.

Chap. 462

Be it enacted, etc., as follows:

SECTION 1. The board of health of the city of Worcester is hereby authorized to appoint an inspector of milk, butter, cheese, lard and vinegar in said city. Upon the passage of this act, such inspector shall be appointed to serve from the date of his appointment until his successor is appointed and qualified; but he may be suspended or removed by said board for cause after a hearing of which he shall have at least forty hours' written notice, with a statement of the reasons for the contemplated suspension or removal. At the hearing he shall have the right to be

Inspector of milk, etc., appointment of, for the city of Worcester.

approved by the said district attorney and by the county auditor.

Detail for
police and
detective
service.

SECTION 5. The superintendent of police of the city of Boston shall, upon the written request of the district attorney for the Suffolk district, detail for police and detective service, under his direction, inspectors or police officers, not exceeding two in number. Such officers or inspectors shall receive no extra compensation for services thus rendered, and shall be subject to the rules and regulations of the police department, unless relieved therefrom temporarily by the said superintendent, or by the commissioner or commissioners of police having the appointing power of said superintendent.

Repeal.

SECTION 6. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 7. This act shall take effect upon its passage.

Approved June 6, 1906.

Chap. 461 AN ACT TO AUTHORIZE THE CONSTRUCTION OF A HARBOR FOR BOATS AND YACHTS AT DEACON'S POND IN THE TOWN OF FALMOUTH.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
make a survey
of Deacon's
pond, etc.

SECTION 1. The board of harbor and land commissioners shall cause to be made such examination and survey as may be found necessary of Deacon's pond in Falmouth, and the beach between it and Nantucket Sound, to determine the feasibility and cost of cutting a channel through said beach, protecting the same with jetties and riprap and deepening a part of said pond to form a harbor for boats and yachts having a draft of not less than six feet; and if it is found to be practicable to build such harbor said board is hereby directed to proceed forthwith to construct the same.

May acquire
land for con-
struction of a
harbor, etc.

SECTION 2. Said board may acquire by purchase or otherwise or may take in the name and behalf of the Commonwealth, any land or material necessary for the construction of said harbor, and the manner of such taking and of determining the damages caused thereby, or by the doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said

board, for the purposes of this act, shall have all the powers conferred upon said park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

SECTION 3. To carry out the provisions of this act there may be expended from the treasury of the Commonwealth during the years nineteen hundred and six and nineteen hundred and seven the sum of twenty-five thousand dollars, in addition to the amount paid into the treasury of the Commonwealth by the town of Falmouth: *provided, however*, that not more than fifteen thousand dollars, in addition to the amount so paid by the town of Falmouth, shall be expended during the year nineteen hundred and six.

Expenditure may be made from the treasury of the Commonwealth, etc.

Proviso.

SECTION 4. The town of Falmouth may, free of all expense to the Commonwealth, keep the channel and harbor constructed under the provisions of this act open and free from all obstructions to the depth to which it is cut by the said board of harbor and land commissioners.

The town of Falmouth to keep the channel open, etc.

SECTION 5. The work of constructing said harbor shall not be commenced by said board of harbor and land commissioners until there has been paid into the treasury of the Commonwealth the sum of ten thousand dollars, in accordance with the provisions of chapter sixty-nine of the acts of the year nineteen hundred and six.

Work not to be begun until a certain sum is paid by the town of Falmouth.

SECTION 6. This act shall take effect upon its passage.

Approved June 6, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN INSPECTOR OF MILK, BUTTER, CHEESE, LARD AND VINEGAR FOR THE CITY OF WORCESTER.

Chap. 462

Be it enacted, etc., as follows:

SECTION 1. The board of health of the city of Worcester is hereby authorized to appoint an inspector of milk, butter, cheese, lard and vinegar in said city. Upon the passage of this act, such inspector shall be appointed to serve from the date of his appointment until his successor is appointed and qualified; but he may be suspended or removed by said board for cause after a hearing of which he shall have at least forty hours' written notice, with a statement of the reasons for the contemplated suspension or removal. At the hearing he shall have the right to be

Inspector of milk, etc., appointment of, for the city of Worcester.

present and to be represented by counsel. Any vacancy in the said office shall be filled by appointment as aforesaid. The said inspector shall be sworn before entering upon his duties. He shall have the powers conferred and perform the duties imposed by law upon inspectors of milk, butter, cheese, lard and vinegar in said city, and he shall perform such other duties as said board may assign to him. He shall receive such compensation as the city counsel of the city may determine.

SECTION 2. This act shall take effect upon its passage.

Approved June 6, 1906.

Chap. 463 AN ACT RELATIVE TO RAILROAD CORPORATIONS AND STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

PART I.

OF RAILROAD CORPORATIONS AND STREET RAILWAY COMPANIES.

SECTION

1-4. Board of railroad commissioners.
5-20. General powers and duties of board.
21-22. Grade crossings.
23-28. Alteration of grade crossings.
29-45. Abolition of grade crossings.
46-48. Railroad and street railway relief corporations.
49-55. Railroad and street railway police.
56-57. Inspection of equipment.

SECTION

58. Railroad and street railway bridges.
59-60. Conditional sale of rolling stock.
61. Attachment of rolling stock.
62. Notice of accidents.
63. Penalty for loss of life.
64. Evasion of payment of fares.
65. Injury to signals.
66. Throwing missiles, etc.
67. Lease or purchase of franchise.

BOARD OF RAILROAD COMMISSIONERS.

Railroad commissioners, clerks, etc.
1864, 152, § 1.
1869, 408, §§ 1, 13.
1874, 372, § 6.
1876, 185, § 3;
206, § 1.
P. S. 112, §§ 9, 11.
1887, 334, § 2.
1894, 535, §§ 1, 2.
1895, 313.
R. L. 111, § 8.
1902, 432, § 1.
153 Mass. 169.

SECTION 1. There shall be a board of railroad commissioners, consisting of three competent persons, one of whom shall annually, before the first day of July, be appointed by the governor, with the advice and consent of the council, for a term of three years from said day. The board shall have a clerk, who shall be appointed by the governor, who shall keep a full and faithful record of its proceedings, and who shall serve such notices as the commissioners may require. The board may employ an assistant clerk, who shall perform such clerical and other office work as the board may require, and who, in the absence or during the disability of the clerk, may, if so directed by the board, perform his duties. The board may employ an accountant, skilled in the methods of railroad accounting, who shall, under its direction, supervise the method by which the

accounts of corporations operating railroads or street railways are kept. The board may from time to time, if in its opinion it is necessary, appoint competent railroad and railway inspectors, not exceeding one for every one thousand miles of railroad and railway track, each for a term of three years, and may for cause remove any such inspector and appoint another in his place. An appointment to fill a vacancy shall be for the residue of the unexpired term. The board shall appoint one or more competent experts to examine the reports required by section fifty-eight, and may, whenever in its opinion the public interests require, in connection with any proposed issue of stock or bonds by a railroad corporation or street railway company, employ competent experts to investigate the character, cost and value for railroad or railway purposes of the property of such corporation or company. The commissioners and clerks shall be sworn before entering upon the performance of their duties, and shall not be in the employ of or own stock in a railroad corporation or street railway company, nor shall they personally, or through a partner or agent, render any professional service or make or perform any business contract with or for a railroad corporation or street railway company chartered under the laws of this commonwealth, except contracts made with them as common carriers, nor shall they, directly, or indirectly, receive a commission, bonus, discount, present or reward from any such corporation or company.

SECTION 2. The annual salary of the chairman of the board shall be five thousand dollars, that of the other commissioners four thousand dollars each, of the clerk twenty-five hundred dollars, of the assistant clerk not more than twelve hundred dollars, and of each railroad and railway inspector two thousand dollars, payable by the commonwealth. The commissioners shall be provided with an office in the state house, or in some other suitable place in the city of Boston, in which their records shall be kept. In the performance of their official duties, they shall be transported over the railroads and railways in this commonwealth free of charge, and may employ and take with them experts or other agents whose services they consider temporarily of importance. The board may expend not more than forty-five hundred dollars annually in procuring necessary books, maps, statistics and stationery and in defraying expenses incidental and necessary to the performance

Salary of commissioners, clerks, etc.
 1864, 152, § 8.
 1869, 408, §§ 7, 8.
 1873, 377, § 6.
 1874, 372, § 17.
 1876, 185, § 3.
 1879, 287, § 1.
 P. S. 112, § 10.
 1885, 113, 164.
 1890, 200, § 1.
 1894, 535, § 7.
 1895, 313.
 1900, 406.
 1901, 54.
 R. L. 111, § 9.
 1902, 402.
 1904, 86.
 See 1906, 417.

of its duties, and not more than twenty-five hundred dollars annually in defraying the compensation of an accountant. A statement of such expenditures shall accompany its annual report.

Apportionment of salaries, etc.
1864, 152, § 7.
1869, 408, § 9.
1874, 872, § 18.
1878, 167, § 1.
P. S. 112, § 12.
1887, 334, § 4.
1890, 200, § 3.
1894, 535, § 8.
1896, 313.
1897, 376, § 4.
R. L. 111, § 10.
1904, 429.

SECTION 3. The sums of money annually appropriated by the general court for the salaries and expenses of the board of railroad commissioners, its clerks and employees, shall be apportioned by the tax commissioner among the several railroad corporations and street railway companies, and on or before the first day of July in each year he shall assess upon each of said corporations and companies its share of such sums in proportion to its gross earnings from the transportation of persons and property for the last preceding year in which the assessment is made; and such assessments shall be collected in the same manner as taxes upon corporations.

— balance carried forward.
1904, 429.

SECTION 4. Of the amount so assessed and collected any balance remaining on the thirtieth day of November in any year shall be carried forward to the next year, and shall be taken into account in making the appropriation for that year.

GENERAL POWERS AND DUTIES OF BOARD.

Annual report.
1869, 406, §§ 8, 11.
1870, 307, § 2.
1874, 872, §§ 9, 14, 15.
P. S. 112, §§ 12, 16, 26.
R. L. 111, § 11.

SECTION 5. The board shall make an annual report, which shall be transmitted to the secretary of the commonwealth, on or before the first Wednesday in January, and be laid before the general court. The report shall include such statements, facts and explanations as will disclose the actual working of the system of railroad and railway transportation in its bearing upon the business and prosperity of the commonwealth, such suggestions as to its general railroad and railway policy, or any part thereof, or the condition, affairs or conduct of any railroad corporation or street railway company, as may seem to it appropriate, such tables and abstracts of all the returns required to be made by a corporation or company, as it considers expedient, and a report of any proceedings taken under the provisions of section nine.

Duties of board.
1869, 408, §§ 2, 5.
1874, 872, § 7.
P. S. 112, § 14.
R. L. 111, § 12.
1906, 267.
[Op. A. G. 688.]

SECTION 6. The board shall have the general supervision of all railroads and railways, and shall examine the same; and the commissioners shall keep themselves informed as to the condition of railroads and railways and the manner in which they are operated with reference

to the security and accommodation of the public, and as to the compliance of the several railroad corporations and street railway companies with their charters and the laws of this commonwealth. The board may from time to time require railroad corporations and street railway companies to install and maintain at such places upon the railroad or street railway premises as it shall designate such block or other signals or devices as it shall approve for the purpose of safeguarding public travel. The supreme judicial court shall have jurisdiction in equity to enforce compliance with any order issued by the board under authority of this section.

SECTION 7. The board shall, in respect of steamship companies serving as common carriers throughout the year between two or more ports of this commonwealth, perform the same duties, including the regulation of rates for transporting freight or passengers, and including other matters affecting the security or convenience of the public, which the said board is now or may hereafter be empowered to perform in the case of railroads or railways. The board may, upon the complaint of any party interested, exercise over express companies, firms and persons doing an express business upon railroads or railways in this commonwealth supervisory powers with regard to the character of accommodations and service furnished, and the reasonableness of rates charged.

Duties of board in respect of certain steamship companies.
1903, 178.
1904, 285.
1906, 266.

SECTION 8. If, in the judgment of the board, a railroad corporation or street railway company has violated a law, or neglects in any respect to comply with the terms of the act by which it was created or with the provisions of any law of this commonwealth, it shall give notice thereof in writing to such corporation or company; and thereafter, if such violation or neglect continues, shall forthwith present the facts to the attorney-general for his action.

Board to secure observance of laws.
1869, 408, § 3.
1870, 307, § 5.
1874, 372, § 8.
P. S. 112, § 15.
R. L. 111, § 14.

SECTION 9. If the board is of opinion that repairs are necessary upon any railroad or railway, or that an addition to its rolling stock, or an addition to or change of its stations or station houses or waiting rooms, or a change in its rates of fares for transporting freight or passengers, or in the mode of operating its railroad or railway and conducting its business, is reasonable and expedient in order to promote the security, convenience and accommodation of the public, it shall in writing inform the corpora-

Notice of necessary repairs, etc.
1869, 408, § 3.
1874, 372, § 9.
P. S. 112, § 16.
R. L. 111, § 15.
1904, 337, § 1.

Examination
of condition
of road.
1869, 408, § 4.
1874, 372, § 10.
P. S. 112, § 17.
R. L. 111, § 18.
1904, 357, § 2.

tion or company of the improvements and changes which it recommends should be made.

SECTION 10. Upon the application of the board of aldermen of a city or the selectmen of a town within which a part of any railroad or railway is located, alleging grounds of complaint, the board shall examine the condition and operation of such railroad or railway; and if, upon the petition in writing of twenty or more legal voters in such city or town to the board of aldermen or selectmen to make such application, they refuse so to do, they shall indorse upon the petition the reason of such refusal, and return it to the petitioners, who may, within ten days thereafter, present it to the board, and it may thereupon make such examination as if called upon by the board of aldermen or the selectmen, first giving to the petitioners and to the corporation or company reasonable notice in writing of the time and place of making such examination. If, upon such examination, it appears to the board that the complaint is well founded, it shall so adjudge, and shall in writing inform the corporation or company which operates such railroad or railway of its adjudication.

Investigation
of accidents.
1869, 408, § 14.
1873, 98, § 1.
1874, 372, § 11.
P. S. 112, § 18.
R. L. 111, § 17.

SECTION 11. The board shall investigate the causes of any accident on a railroad or railway which results in loss of life; and of other accidents which, in its judgment, require investigation.

Complaints by
employees.
1894, 535, § 6.
1897, 376, § 3.
R. L. 111, § 18.

SECTION 12. An employee may make complaint in writing to the board of a defect in the ways, works, machinery or appliances of a railroad or railway, and the name of the complainant shall not be divulged.

Information
to board by
railroads.
1869, 408, § 6.
1874, 372, § 12.
P. S. 112, § 19.
R. L. 111, § 19.

SECTION 13. Every railroad corporation and street railway company shall, upon request, furnish to the board any information which may be required by it relative to the condition, management and operation of the railroad or railway, and copies of all leases, contracts and agreements for transportation with express companies or otherwise to which such corporation or company is a party, and also with the rates for transporting freight and passengers upon its railroad or railway and other railroads or railways with which its business is connected.

Effect of
advice of
board.
1869, 408, § 12.
1874, 372, § 13.
P. S. 112, § 20.
R. L. 111, § 20.

SECTION 14. No request or advice of the board shall in any manner impair the legal duties and obligations of a railroad corporation or street railway company or its legal liability for the consequences of its acts or of the neglect or mismanagement of any of its agents or servants.

SECTION 15. The board shall from time to time in each year examine the books and accounts of every corporation or company which operates a railroad or railway, and require them to be kept in a uniform manner and upon the system prescribed by the board. Statements of the doings and financial condition of the several corporations and companies shall be prepared and published at such times as the board shall consider expedient.

Annual examination of books and accounts.
1876, 185, § 2.
P. S. 112, § 21.
R. L. 111, § 21.

SECTION 16. Upon the application in writing of a director, or of any person or persons who own one fiftieth part of the paid-in capital stock of a corporation or company which operates a railroad or railway, or who own the bonds or other evidences of indebtedness of such corporation or company equal in amount to one fiftieth part of its paid-in capital stock, the board shall examine the books and the financial condition of said corporation or company, and shall cause the result of such examination to be published in one or more daily newspapers in the city of Boston.

Other examinations of books and financial condition.
1876, 185, § 4.
P. S. 112, § 22.
R. L. 111, § 22.

SECTION 17. The board shall at all times have access to the list of stockholders of every corporation or company which operates a railroad or railway, and may at any time cause the said list or a part thereof to be copied for its information or for the information of the stockholders of such corporation or company.

Board to have access to lists of stockholders.
1876, 185, § 5.
P. S. 112, § 23.
R. L. 111, § 23.
[1 Op. A. G. 278.]

SECTION 18. A railroad corporation or street railway company which refuses to submit its books to the examination of the board, or unreasonably neglects to keep its accounts in the method prescribed by the board, shall forfeit not more than five thousand dollars for every such refusal or neglect.

Penalty upon corporations for refusing to submit books, etc.
1876, 185, § 6.
P. S. 112, § 24.
R. L. 111, § 24.

SECTION 19. In all cases investigated and inquiries made by the board and in all proceedings before it, any member thereof may summon witnesses in behalf of the commonwealth and may administer oaths and take testimony. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the superior court, and shall be paid by the commonwealth upon the certificate of the board filed with the auditor.

Commissioners may summon witnesses.
1877, 194, § 1.
P. S. 112, § 25.
1901, 286.
R. L. 111, § 25.

SECTION 20. The board shall prescribe the form for the annual returns to be made by railroad corporations and street railway companies, may, from time to time, make changes and additions in such form, and shall give to the corporations and companies one year's notice of any

Board to prescribe forms of returns.
1857, 240, § 4.
G. S. 35, § 145.
1864, 229, § 42.
1870, 307, §§ 3, 4.
1871, 361, § 54.

1874, 873, § 15.
1876, 173.
P. S. 112, § 26;
113, § 59.
1880, 828, § 2.
R. L. 111, § 26.
R. L. 112, § 94.

changes or additions which require an alteration in the method or form of keeping their accounts. It may change the form of returns of railroad corporations to conform to the form of returns required by the interstate commerce commission, if it gives to such corporations one month's notice of such change; and shall annually, on or before the fifteenth day of June, furnish to railroad corporations, and annually, on or before the fifteenth day of September, furnish to street railway companies, blank forms of returns. If a return is defective or appears to be erroneous, the board shall notify the corporation or company to amend it within fifteen days. The original of each return or amended return, subscribed and sworn to by the directors, treasurer and chief accounting officer of the corporation or company, shall be preserved in the office of the board.

GRADE CROSSINGS.

Grade cross-
ings regulated.
1864, 220, § 85.
1871, 841, § 46.
P. S. 113, § 40.
1895, 426, § 1.
R. L. 112, § 63.

SECTION 21. A street railway shall not be constructed across the tracks of a railroad nor shall a railroad be constructed across the tracks of a street railway at the same level therewith without the consent of the board of railroad commissioners.

Supervision by
board of cross-
ings.
1862, 228.
R. L. 111, § 27.

SECTION 22. In any case in which the consent or approval of the board of railroad commissioners which may be required by law for any crossing at grade is given, said board may, after notice to the parties interested and a hearing, impose conditions, limitations, restrictions and regulations relative to such crossing, its construction and use, and may from time to time change and modify them.

ALTERATION OF CROSSINGS.

Alteration of
crossings.
1842, 22.
G. S. 63, §§ 53,
54.
1873, 262, §§ 1, 2.
1874, 305, §§ 1, 8;
372, § 96.
P. S. 112, § 120.
1885, 194, § 2.
R. L. 111, § 124.
1902, 533, § 1.
6 Cush. 424.
116 Mass. 73.
153 Mass. 213.
154 Mass. 410.
164 Mass. 551.
171 Mass. 135.
173 Mass. 12.
174 Mass. 379.

SECTION 23. If a public way and a railroad cross each other, and the board of aldermen of the city or the selectmen of the town in which the crossing is situated, or the directors of the railroad corporation, or the directors of a street railway company having tracks on the said way are of opinion that it is necessary for the security or convenience of the public that an alteration which does not involve the abolition of a crossing at grade should be made in the crossing, the approaches thereto, the location of the railroad or way, or in a bridge at the crossing, they shall apply to the county commissioners, or, if the crossing is

situated in the city of Boston, to the board of railroad commissioners, who shall, after public notice, hear all parties interested, and, if they decide that such alteration is necessary, shall prescribe the manner and limits within which it shall be made, and shall forthwith certify their decision to the parties and to said board. In case any street railway company is authorized to lay and use tracks upon the said way, the said company shall bear such part of the expense of building, repairing or improving a bridge forming a part of said way, or of altering or improving the approaches thereto, as shall be deemed to be just by the commission provided for in sections twenty-five and twenty-six.

175 Mass. 430.
177 Mass. 511.
178 Mass. 319.

SECTION 24. If it is decided that the location of the railroad or of the way shall be changed, land or other property may be taken therefor according to the provisions of law authorizing the taking of land by railroad corporations or for highways or town ways, as the case may be; and all damages caused by such taking or otherwise shall be assessed in the manner provided in case of the taking of land by railroad corporations, or for highways and town ways, respectively.

Land may be taken and damages assessed.
1874, 305, § 2;
372, § 97.
P. S. 112, § 130.
1885, 194, §§ 2, 3.
R. L. 111, § 135.
171 Mass. 135.
184 Mass. 491.

SECTION 25. A special commission of three disinterested persons, who shall be appointed as provided in the following section, shall determine which party shall carry such decision into effect and which party shall pay the charges and expenses of making such alteration and the future charges for keeping such crossing and the approaches thereto in repair, as well as the costs of the application to the county commissioners, or the board of railroad commissioners, and of the hearing before said special commission; and it may apportion all such charges, expenses and costs between the railroad corporation, the street railway company having tracks on said way, and the counties, cities or towns in which said crossing is situated and other cities and towns which may be specially benefited. If a street railway company is authorized to lay and use tracks upon any bridge in a highway which is built or repaired or altered as above provided for, or the approaches to which are altered or improved as above provided for, the said commission shall determine what part of the charges and expenses of making such changes or improvements, or of keeping such approaches in good condition, shall be paid by the said street railway company.

Award to be made by a special commission.
1872, 262, § 2.
1874, 372, § 96.
1878, 175, § 3.
P. S. 112, § 131.
1885, 194, § 4.
1887, 295.
R. L. 111, § 136.
1902, 533, § 2.
156 Mass. 219.
164 Mass. 311.
184 Mass. 491.

Special commission, appointment of.
 1872, 262, §§ 2-4.
 1874, 272, § 99.
 1875, 231, § 1.
 1876, 212.
 1878, 175, § 1.
 P. S. 112, § 133.
 1886, 194, § 5.
 R. L. 111, § 137.
 1902, 533, § 3.
 184 Mass. 491.

SECTION 26. Upon the application of the county commissioners, the board of railroad commissioners, the board of aldermen, the selectmen or the directors of the railroad corporation or of the street railway company for the appointment of such commission, the superior court shall cause notice thereof to be given to the other parties interested fourteen days at least before the time fixed for the hearing; and thereupon, after a hearing, shall appoint such commission, one member of which shall be a member of and designated by the board of railroad commissioners. The special commission shall meet as soon as may be after its appointment, and, after notice to and a hearing of the parties, shall make its award in writing and return the same into said court.

Revision by jury.
 1875, 231, §§ 2, 3.
 1878, 175, § 2.
 P. S. 112, § 133.
 R. L. 111, § 138.
 148 Mass. 474.
 156 Mass. 217.
 184 Mass. 491.

SECTION 27. A party who is aggrieved by said award may, within fourteen days after it has been so returned, apply to the court for a jury to revise and determine any matter of fact found therein; and thereupon the court, after notice to all parties interested, shall order a trial by jury in the same manner as civil cases are tried by jury. The decree of the court upon said award or upon the verdict of a jury shall be final and binding, and said court shall have jurisdiction in equity to enforce compliance therewith, and also to issue and enforce such interlocutory decrees and orders as justice may require.

Recovery after alteration of proportion of expense.
 1872, 262, § 5.
 1874, 272, § 101.
 P. S. 112, § 134.
 R. L. 111, § 139.
 6 Cush. 424.

SECTION 28. The party designated for that duty, having carried into effect the decision of the county commissioners, may, in an action of contract, recover of any other party the proportion awarded to be paid by such other party, with interest; and if the party so designated unreasonably neglects or refuses to carry the decision into effect, any other party who is affected by such neglect or refusal may proceed to do it, and may, in an action of contract, recover from each or all of the others the proportion awarded to be paid by him or them, respectively, and from the party so neglecting or refusing, all charges, expenses and costs occasioned thereby.

ABOLITION OF GRADE CROSSINGS.

Commission to abolish grade crossings.
 1886, 194, § 1.

SECTION 29. The board of aldermen of a city or the selectmen of a town in which a public or private way and a railroad cross each other at grade, the directors of the

railroad corporation, or the directors of a street railway company having a location in the part of such public way where the crossing exists, or, upon instructions from the governor and council given after notice to parties interested and a hearing, the attorney-general, may file a petition in the superior court, stating that the petitioners are of opinion that it is necessary for the security and convenience of the public that an alteration should be so made in such crossing, in the approaches thereto, in the location of the railroad or public or private way, or in the grades thereof, as to avoid a crossing at grade, or that such crossing should be discontinued with or without building a new way in substitution therefor. Said court shall thereupon have jurisdiction in equity, after notice by the petitioners to the board of railroad commissioners of the entry of such petition, and after such notice by advertisement or otherwise as said court shall order and a hearing, in its discretion, to appoint a commission of three disinterested persons. Such commission appointed after the passage of this act, shall, if the parties so agree, consist of the members of the board of railroad commissioners, and they shall serve without compensation other than their official salaries; and no consent shall be required of them as the board of railroad commissioners to their decisions as such commission under the provisions of section thirty-six. Upon all petitions hereafter filed, and upon all now pending on which no commission has been appointed, for the abolition, discontinuance or alteration of grade crossings, any street railway company having a location in the part of the public way where the crossing exists, shall be made a party and entitled to be heard as such.

SECTION 30. A party bringing a petition under the provisions of the preceding section shall be entitled to have taxed as costs as in other civil cases the fees for service and cost of publication of such petition, the fees for entry of the same in the superior court, together with all costs of hearing before the superior or supreme judicial court, or before any auditor or master appointed by said courts.

SECTION 31. A party incurring the expense of making plans required by a commission appointed under section twenty-nine, or for use in the superior or supreme judicial court concerning any grade crossing, the abolition,

1860, 428, §§ 1, 11.
1891, 292.
1894, 216.
1897, 264.
R. L. 111, § 149.
1902, 440, § 1.
158 Mass. 161, 228.
154 Mass. 411.
158 Mass. 300.
161 Mass. 258.
175 Mass. 430.
186 Mass. 160.

Costs.
1902, 298, § 1.

Same.
1902, 298, § 2.

discontinuance or alteration of which is petitioned for, may in the discretion of the court have the cost of such plans allowed.

Payment.
1906, 408, § 1.

SECTION 32. The fees and expenses of the commission appointed under the provisions of section twenty-nine, after having been approved by a justice of the superior court, shall be paid, in the first instance, by the railroad corporation, but the fees and expenses so paid, including the costs and expenses specified in the two preceding sections, shall thereafter be apportioned to and paid by the respective parties as provided by section thirty-four.

Petition may
embrace
several cross-
ings, etc.
1890, 428, §§ 2, 8.
1891, 33, § 1.
R. L. 111, § 150.

SECTION 33. A petition under the provisions of section twenty-nine may include several crossings, or several railroads crossing at or near the same point, or by order of the court two or more petitions may be consolidated and heard as one. Service of such petition and of all notices or processes thereunder may be made upon the commonwealth by serving upon the attorney-general personally, or by leaving in his office an attested copy thereof.

Commission
to prescribe
the alterations.
1890, 428, § 8.
1891, 33, § 2.
1894, 216.
1897, 264.
R. L. 111, § 151.
1902, 440, § 2.
153 Mass. 576.
161 Mass. 33.
169 Mass. 405.
172 Mass. 5, 117.

SECTION 34. The commission appointed under the provisions of section twenty-nine shall meet at once, and if, after notice and a hearing, it decides that the security and convenience of the public require the alterations to be made, it shall prescribe the manner and limits thereof, and shall determine which of the parties shall do the work, or shall apportion the work to be done between each of the railroad corporations and the city or town. The railroad corporations shall pay sixty-five per cent of the total actual cost of the alterations as aforesaid, including therein in addition to the cost of construction the actual cost to the street railway company of changing its railway and location to conform to the decree of the court, the cost of the hearing, the compensation of the commissioners and auditors and all damages, except as otherwise provided. Said commission may, subject to a right of appeal to the superior court by the street railway company or by the commonwealth for a revision by a jury of the amount of such assessment, if a claim therefor is filed in the clerk's office of said court within thirty days after the making of such assessment, assess upon any street railway company made a party to the proceedings such percentage of said total cost, not exceeding fifteen per cent thereof, as may, in the judgment of said commission be just and equitable; and such assessment, as confirmed by the court,

shall be in lieu of any assessment or contribution required by any special act or grant of location. The remainder of said total cost shall be apportioned by the commission between the commonwealth and the city or town in which the crossing or crossings are situated, but not more than ten per cent of said total cost shall be apportioned to such city or town. The commission shall equitably apportion the sixty-five per cent to be paid by the railroad corporation between the several railroads which may be parties to the proceedings. If the crossing was established after the twenty-first day of June in the year eighteen hundred and ninety, no part of said cost shall be charged to the commonwealth; and such part thereof as becomes thereby unapportionable shall be borne by the railroad corporation, the street railway company, if any, and the city or town, in addition to the other amounts payable by them, in such proportions as the commission shall determine. If the crossing is of a railroad and a private way, and no crossing of a public way is abolished in connection therewith, the entire cost as aforesaid shall be paid by the railroad corporation. Whenever in any case in which a street railway company has been required to contribute to the expense of abolishing a grade crossing, any of its locations shall be so changed or revoked by any board of aldermen or selectmen without its consent as to render impossible, or in the opinion of the board of railroad commissioners unprofitable, the further exercise of the privilege of operating its railway in the part of the public way where such grade crossing has been abolished, the amount contributed by such company to the expense of abolishing such grade crossing shall be ascertained by the board of railroad commissioners, and certified to the treasurer of the commonwealth, who shall pay the same to the company from the treasury of the commonwealth; and any amount so received by the company shall be expended only for such construction or equipment purposes as the board of railroad commissioners shall approve.

SECTION 35. The amount of any assessment upon or contribution by a street railway company toward the cost of abolishing a grade crossing shall be deemed and taken in all proceedings thereafter as a part of the value of its property for street railway purposes; and such company may issue stock or bonds to such amount as the board of railroad commissioners shall, subject to the laws relating

Assessment upon, etc., street railway company to be deemed part of the value of its property, etc.
1902, 440, § 7.

Finding of
commission.
Contents.
Effect.
1890, 428, § 4.
1892, 312.
1894, 216.
1897, 264.
R. 1., 111, § 152.
1902, 440, § 3.
1905, 408, § 2.
163 Mass. 356.
169 Mass. 495.
171 Mass. 228.

to the issue of stocks and bonds by street railway companies, approve as reasonably necessary to provide for the payment of such assessment or contribution.

SECTION 36. The commission shall specify what part, if any, of an existing public or private way shall be discontinued, the grade for the railroad and the way, the changes to be made in the location and grades of the street railway in such public way, the general method of construction and what land or other property it considers necessary to be taken, and may provide for the taking of an easement in land adjoining the location of a public or private way or of a railroad, consisting of a right to have the land of the location protected by having the surface of such adjoining land slope from the boundary of the location in a manner specified by the commission, but if such decision involves a change in the grade of the railroad the consent of the board of railroad commissioners to such change shall first be obtained. Said commission shall forthwith return its decision to the superior court, the decree of which, confirming such decision, shall be final and binding. If the commission decides that the location of the street railway shall be changed, the decree of the court confirming such decision shall establish the location as thus changed. If the commission decides that the location of the railroad or of the public or private way shall be changed, the decree of the court confirming such decision shall constitute a taking of the specified land, easement or other property; and the clerk of said court shall, within thirty days after such decree, cause a copy of the decision and decree to be filed with the county commissioners of the county or counties in which the land or other property taken or the land subject to the easement taken and the crossing are situated, to be recorded in the registry of deeds for the counties and districts in which such lands, property and crossings are situated, and to be filed with the auditor of the commonwealth. Said taking shall be a taking by the city or town if the land or easement is to be used for or in connection with a public way, or by the railroad corporation if the land or easement is to be used for or in connection with a private way or by the railroad corporation. An easement taken under the provisions of this section may be abandoned or released by the city, town or railroad corporation for which the same was taken.

SECTION 37. All damages which may be sustained by any person in his property by the taking of land for or by the alterations of the grade of a public way, or by an abutter thereon by the discontinuance of such public way, to the same extent as damages are recoverable by abutters on ways discontinued by towns, or by the taking of an easement in land adjoining a public way, shall primarily be paid by the city or town; and all damages which may be caused by the taking of land for the railroad or by the change or discontinuance of a private way, or by the taking of an easement in land adjoining a private way or a railroad location in connection with the abolition of a grade crossing shall primarily be paid by the railroad corporation; and all damages which may be sustained by any person by the abolition of private ways, except as hereinbefore provided, shall be entirely paid by the railroad corporation. If the parties interested cannot agree upon said damages, any party may have the damages determined by a jury in the superior court for the county in which the property and crossing are situated, on petition, brought within one year after the time the property is entered upon and work actually begun thereon, in the same manner as damages may be determined which are caused by the taking of land for the locating of railroads and the laying out or discontinuance of public ways, respectively, in such city or town; but all expense which results from the necessary relocating or changing of streams and water courses forming the natural drainage channels of the territory in which alterations of grades are authorized and of sewers, drains and pipes therein owned and operated by municipal corporations shall be primarily paid by said city or town, and shall be a part of the actual cost of the alterations specified in section thirty-four. A party who recovers damages in such proceedings shall also recover costs as in other civil cases, and the court may in its discretion allow, as a part of such costs, the reasonable expenses incurred for surveys and plans.

Damages.
1890, 428, § 5.
1891, 123.
1894, 216.
1897, 264.
1898, 200.
1900, 468.
R. L. 111, § 153.
1908, 478, § 1.
1906, 408, § 8.
162 Mass. 170.
164 Mass. 354.
168 Mass. 516.
171 Mass. 228,
494.
172 Mass. 180.
173 Mass. 432.
175 Mass. 246.
176 Mass. 101.
179 Mass. 520.
185 Mass. 560.

SECTION 38. After the completion of the work, the expense of maintenance and repair shall be paid as follows: if the public way crosses the railroad by an overhead bridge, the framework of the bridge and its abutments shall be maintained and kept in repair by the railroad corporation, and the surface of the bridge and its approaches shall be maintained and kept in repair by the city or town

Maintenance
of crossing and
approaches.
1890, 428, § 6.
1891, 38, § 2.
R. L. 111, § 154.

in which they are situated; if the public way passes under the railroad, the bridge and its abutments shall be maintained and kept in repair by the railroad corporation, and the public way and its approaches shall be maintained and kept in repair by the city or town in which they are situated; if several railroads cross a public way at or near a given point, the commission shall apportion and award in what manner and proportion each of said railroad corporations shall maintain and keep in repair the framework of the bridge and its abutments if the public way crosses the railroad by an overhead bridge, and the bridge and its abutments if the public way passes under said railroads.

Auditor,
duties, com-
pensation.
1890, 428, § 7.
1893, 283.
1894, 545.
1898, 538.
R. L. 111, § 155.
1902, 440, § 4.
161 Mass. 82.
162 Mass. 564.
172 Mass. 117.

SECTION 39. The court shall appoint an auditor, who shall be a disinterested person, not an inhabitant of the city or town in which the crossing is situated, whose compensation shall be determined by the court and to whom shall from time to time be submitted all accounts of expense incurred by the railroad corporations, street railway companies, if any, city, town, commission or auditor, and who shall audit the same and make report thereon to the court. Such auditing, when accepted by the court, shall be final. A certified copy of such report and the decree of the court thereon shall be filed with the auditor of the commonwealth. The court shall, from time to time, issue its decrees for payments on the part of the railroad corporation and on the part of any street railway company, not exceeding the amounts apportioned to them respectively by said auditor in his report, and for the payment by the commonwealth of a sum not exceeding the amounts apportioned to it and to the city or town; and such city or town shall repay to the commonwealth the amount apportioned to it, with interest thereon, payable annually at the rate of four per cent from the date of the acceptance of the report of the auditor. Such repayment of the principal shall be made annually in such amounts as the auditor of the commonwealth may designate; and the amount of payment designated for the year, with the interest due on the outstanding principal, shall be included by the treasurer and receiver general in the amount charged to such city or town, and shall be assessed upon it in the apportionment and assessment of its annual state tax. The treasurer and receiver general shall in each year notify such city or town of the amount of such assessment,

which shall be paid by it into the treasury of the commonwealth as a part of, and at the time required for, the payment of its state tax. When the final assessment on a city or town has been paid by it, the treasurer and receiver general shall repay to it, in reduction of said final payment, the amount of interest, if any, which has been assessed to and paid by it in excess of the actual interest cost to the commonwealth for money borrowed for the abolition of grade crossings previous to the payment of said final assessment.

SECTION 40. The superior court shall have jurisdiction in equity to enforce compliance with the provisions of sections twenty-nine to forty-five, inclusive, and with the decrees, agreements and decisions made thereunder; and may issue and enforce such interlocutory decrees and orders as justice may require, and any order, appointment or decree under the provisions of said sections may be made in any county.

Enforcement
of law.
1890, 428, § 8.
1895, 106.
R. L. 111, § 156.
162 Mass. 564.

SECTION 41. If the board of aldermen of a city or the selectmen of a town in which a public way and a railroad cross each other and the directors of the railroad corporation are of opinion that it is necessary for the security and convenience of the public that alterations should be made in such crossing, in the approaches thereto, in the location of the railroad or public way or in the grades thereof, or in a bridge at such crossing, or that such crossing should be discontinued with or without building a new way in substitution therefor, and they agree as to the alterations which should be made, an instrument in writing signed, in behalf of a city, by the mayor, authorized by the board of aldermen, or, in behalf of a town, by the chairman of the selectmen, authorized by the selectmen, and by the president of the railroad corporation, authorized by its directors, specifying the manner and limits within which the alterations shall be made, and by which party the work shall be done, or how it shall be apportioned between the city or town and the railroad corporation, the general method of construction, the grades for the railroad and the public way or ways, and also what land or other property it is necessary to take, and what portion, if any, of an existing public way is to be discontinued, and how the cost thereof shall be apportioned between the city or town and the railroad corporation, shall be valid and binding on the city or town and the railroad corporation, respec-

Proceedings
upon agree-
ment as to
alterations.
1890, 428, § 9.
R. L. 111, § 157.
153 Mass. 161.

tively, and have the same force and effect as a decree of the court under the provisions of section thirty-six, if the board of railroad commissioners, after notice to all parties interested by advertisement and a public hearing, approve of the alterations set forth in the agreement as necessary for the convenience and security of the public. Said approval by said board shall constitute a taking of the land and other property specified in the agreement as necessary to be taken, and the clerk of said board shall, within thirty days after such approval, cause a copy of the agreement and approval to be filed with the county commissioners of the county or counties in which the land or other property taken and the crossing are situated, to be recorded in the registry of deeds for the counties and districts in which such land, property and crossing are situated, and also to be filed with the auditor of the commonwealth. The provisions of section thirty-six relative to the taking of land under a decree of the court and of section thirty-seven relative to the recovery of damages sustained by any person in consequence of such taking, or of the alterations made in pursuance of said decree, shall apply to the taking of land and to damages sustained under an agreement made pursuant to the provisions of this section. The crossing and approaches shall be maintained and kept in repair as provided in section thirty-eight. If the agreement provides for the abolition of a public grade crossing, the board of railroad commissioners shall keep itself informed of the progress and character of the work and of the amounts reasonably expended for work done or for damages, so far as rendered necessary for the abolition of the grade crossing; and for that purpose it may employ any necessary agents, and, from time to time as it may consider proper, shall issue certified statements of the amount legally and properly expended for such abolition of a grade crossing; and the commonwealth shall pay to the parties entitled thereto under the agreement twenty per cent of such expenditure.

Payments by
the common-
wealth.
Bonds.
Sinking fund.
1880, 428, § 10.
1888, 424.
1896, 489, §§ 1, 3.
R. L. 111, § 158.
1902, 440, § 5.
[1 Op. A. G.
806.]

SECTION 42. For the further abolition of grade crossings, in accordance with the provisions of sections twenty-nine to forty-five, inclusive, an expenditure of five million dollars by the commonwealth is hereby authorized. The amount so to be paid by the commonwealth in any one year shall not exceed five hundred thousand dollars, but if in any one year the expenditure by the commonwealth shall

not amount to five hundred thousand dollars, the unexpended remainder thereof shall be added to the five hundred thousand dollars allowed to be paid by it in any subsequent year. In computing the amount paid and to be paid by the commonwealth, the amounts apportioned to cities and towns and advanced by the commonwealth under the provisions of section thirty-nine shall not be included. To meet the expenditure hereby authorized, the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness to an amount not exceeding five million dollars as an addition to the Abolition of Grade Crossings Loan, and shall add, in the manner provided in section one hundred and fifty-eight of chapter one hundred and eleven of the Revised Laws, to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued as registered bonds, bearing interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. The amount necessary to meet the annual requirement of said sinking fund and to pay the interest on said bonds shall be raised by taxation from year to year.

SECTION 43. A final decree shall not be entered by the superior court upon any report of commissioners setting forth a plan for the abolition, discontinuance or alteration of a grade crossing, adopting or confirming such plan or authorizing any expense to be charged against the commonwealth, until the board of railroad commissioners, after a hearing, shall have certified in writing that in their opinion the adoption of such plan and the expenditure to be incurred thereunder are consistent with the public interests, and are reasonably requisite to secure a fair distribution between the different cities, towns and railroads of the commonwealth, of the public money authorized to be expended under the provisions of the preceding section, or section one hundred and fifty-eight of chapter one hundred and eleven of the Revised Laws, for the abolition of grade crossings, and that such expenditure will not, in the judgment of said board, exceed the amounts provided under the provisions of said sections to be paid by the commonwealth.

SECTION 44. The treasurer and receiver general is hereby authorized to transfer to the loan authorized by section one hundred and fifty-eight of chapter one hun-

Board to decide which petitions shall be acted on
1890, 428, § 11.
R. L. 111, § 159.
1902, 440, § 6.

Relative to loans for the abolition of grade crossings.
1902, 507, § 1.

dred and eleven of the Revised Laws, from any unexpended balance of the loan authorized by chapters four hundred and thirty-three of the acts of the year eighteen hundred and ninety-two and two hundred and fifty-seven of the acts of the year eighteen hundred and ninety-six, which provide a sum of money for the abolition of certain grade crossings, such amount of money as may be from time to time to the credit of said loan, and which may not be needed for the purposes for which the loan was issued; and the balance so transferred shall be in addition to the five million dollars authorized to be expended under the provisions of said section, and shall be a part of the sum authorized to be expended under section forty-two, and available for the abolition of grade crossings under the provisions of said section, and of chapter one hundred and eleven of the Revised Laws.

Certain provisions not to apply.
1880, 428, § 12.
R. L. III, § 160.

SECTION 45. The provisions of sections twenty-three to twenty-eight, inclusive, of Part I, and of sections one hundred and seventeen, one hundred and eighteen, one hundred and twenty-two, one hundred and twenty-three and one hundred and twenty-four of Part II, so far as they relate to proceedings for the abolition of grade crossings, shall not apply to cases within the provisions of the preceding sixteen sections.

RAILROAD AND STREET RAILWAY RELIEF CORPORATIONS.

Railroad, etc.,
relief corporations.
1882, 244, § 1.
1890, 181, § 1.
R. L. 125, § 17.

SECTION 46. Seven or more persons, a majority of whom are residents of this commonwealth, being employees of any railroad corporation or street railway company, organized under the laws of this commonwealth, may, in accordance with the provisions of sections three to six, inclusive, of chapter one hundred and twenty-five of the Revised Laws, form a corporation for the purpose of receiving, managing and applying such property and funds as it may receive by contribution, assessment or otherwise for the improvement and benefit of its members, and for their relief and the relief of their families in case of sickness, injury, inability to labor, or other cases of need.

By-laws,
approval of.
1882, 244, §§ 2, 3.
R. L. 125, § 18.

SECTION 47. The by-laws of such corporation shall be approved by the board of railroad commissioners, and shall prescribe the manner in which, and the officers and agents by whom, the purpose of its incorporation may be carried out, and also the manner in which its property may be

invested. Such corporation shall annually, and as often as may be required by the board of railroad commissioners, render to said board such statements of its membership and financial transactions and such other information relative thereto as said board may consider necessary for a proper exhibit of its business and standing. Said board may verify such statement by an examination of the books and papers of the corporation; and whoever, having charge or custody of such books and papers, neglects to comply with the provisions of this section shall be punished by a fine of not more than five hundred dollars.

SECTION 48. A railroad corporation which operates a railroad or portion thereof in this commonwealth, or a street railway company, may, by vote of its directors, associate itself with seven or more of its employees in forming a corporation under the provisions of section forty-six, or may, upon the invitation of any such society, become a member thereof, and may aid such corporation by contributions to its funds or otherwise. The by-laws of such corporation shall provide for the manner in which the railroad corporation or street railway company shall vote and be represented in said corporation. The funds of such corporation shall not be liable to attachment by the trustee process, or be liable to be taken on execution or on any other process, legal or equitable, to satisfy any debt or liability of the railroad corporation or street railway company or of any member of the corporation.

Railroad, etc., company may associate with employees.
1886, 125.
1890, 181, § 2.
R. L. 125, § 19.

RAILROAD AND STREET RAILWAY POLICE.

SECTION 49. The mayor of a city, or the selectmen of a town, upon the petition of a railroad corporation having a passenger station in such city or town, or of a street railway company operating a street railway therein, may appoint as many of the persons designated in said petition as police officers as they may deem proper for the purposes and with the powers hereinafter set forth.

Railroad, etc., police.
1871, 331, §§ 1, 8.
1874, 372, § 143.
1880, 85, § 1.
P. S. 108, § 13.
1896, 318, §§ 1, 4.
R. L. 108, §§ 13, 21.

SECTION 50. An attested copy of the record of all such appointments shall be filed by the petitioner with the clerk of every city or town, other than the city or town of appointment, in which the railroad corporation or street railway company operates its cars, and in which it is intended that such police officers shall act; and the filing of such attested copy shall constitute the persons

Copy of appointment to be filed.
1871, 331, § 2.
1874, 372, § 143.
1878, 90.
1890, 85, § 2.
P. S. 108, § 14.
1896, 225, § 1.
R. L. 108, § 14.

named therein railroad or street railway police, respectively, within such city or town, and shall be conclusive evidence of the regularity of their appointment.

Term of office.
1871, 331, §§ 1, 9.
1874, 372, § 143.
1880, 85, § 2.
P. S. 103, § 15.
1883, 65.
R. L. 108, § 15.

SECTION 51. Such police officers shall be sworn before a justice of the peace, and shall hold their offices until their appointment is revoked by the mayor of the city or the selectmen of the town in which they are appointed; but such petitioner, upon ceasing to require the services of any of such officers, shall file a notice to that effect with the clerk of the city or town in which he is appointed, and with the clerks of the several cities and towns in which notice of such appointment has been filed, and thereupon the power of such officer shall cease.

Badges.
1871, 331, § 3.
1874, 372, § 144.
1880, 85, § 3.
P. S. 103, § 16.
1886, 225, § 2.
R. L. 108, § 16.

SECTION 52. Such officers shall, when on duty except as detectives, wear in plain sight a metallic badge, inscribed with the words, "Railroad Police", or "Street Railway Police", as the case may be, and the name or initials of the corporation or company for which they are appointed; and the presence of any such officer on the cars or premises of the corporation or company upon whose petition he was appointed, wearing such badge, shall be prima facie evidence that he is lawfully upon duty.

Powers of
police.
1871, 331, §§ 4, 5,
7.
1874, 372, §§ 145,
146.
P. S. 103, §§ 17,
18.
1886, 318, § 3.
R. L. 108, §§ 17,
18, 23.
143 Mass. 68,
228.
148 Mass. 119.

SECTION 53. Railroad and street railway police officers may preserve order on the premises and cars of the corporation or company upon whose petition they are appointed; may, without a warrant, arrest an idle, noisy, intoxicated or disorderly person upon such premises or cars; or a passenger upon such cars who refuses to pay his fare, and remove him to the baggage or other suitable car; may, without a warrant, arrest any person committing any of the offences specified in section sixty-six; and street railway police officers may, without a warrant, arrest any person committing any of the offences specified in section eighty-four of Part III.

Arrest.
Duties of
police.
1886, 318, § 3.
R. L. 108, § 23.

SECTION 54. The person so arrested shall be taken to the police station or other place of lawful detention in the city or town in which the arrest is made, or in the city or town in which the car next stops; he may be placed in charge of a police officer or constable in either of such cities or towns, to be taken to a lawful place of detention within twenty-four hours after the time of such arrest, Sundays excepted. Complaint shall be made against the person arrested by the officer taking him to the place of detention for the offence for which he was arrested to a

police, district or municipal court, or trial justice having jurisdiction of such offences committed in the city or town in which such person is detained, and such court or justice shall have jurisdiction of the case.

SECTION 55. Railroad and street railway police officers shall be paid by the corporation or company upon whose petition they are appointed. Such corporation or company shall be liable for any official misconduct of such officers to the same extent as for torts of agents or servants in their employ.

Compensation.
1874, 373, § 147.
P. S. 108, § 20.
R. L. 108, § 20.

INSPECTION OF EQUIPMENT.

SECTION 56. Railroad and street railway inspectors who are appointed under the provisions of section one, shall, under the direction of the board of railroad commissioners, examine the roadbed, tracks, crossings, stations, rolling stock, machinery, equipments, appliances and grounds used in or in connection with the operation of railroads or street railways; and if they are considered by an inspector not to be in compliance with the requirements of law, or to be in such condition as to endanger the safety of the public or of employees, he shall so report in writing to said board, which, if it considers it necessary, shall give notice to the corporation or company, or to the persons who own or operate the railroad or street railway, of such failure to comply with the requirements of the law or of such defects, with such recommendation as it may consider necessary or proper.

Duties of
inspectors.
1894, 535, §§ 3, 4.
1897, 376, § 1.
R. L. 111, § 228.

SECTION 57. An inspector shall, under the direction of the board of railroad commissioners, investigate as promptly as may be any accident upon a railroad or street railway, or resulting from the operation thereof, which causes the death or imperils the life of a passenger, employee or other person, and shall report thereon to said board. He shall attend the inquest held in the case of any such death by accident, and may cause any person who has knowledge of the facts or circumstances connected with such death to be summoned as a witness to testify at the inquest.

Investigation
of accidents.
1894, 535, § 5.
1897, 376, § 2.
R. L. 111, § 224.

RAILROAD AND STREET RAILWAY BRIDGES.

SECTION 58. Every railroad corporation and street railway company shall, upon request of the board of railroad commissioners, and at least once in two years, cause an

Examination
of railroad and
street railway
bridges.
1897, 334, §§ 1-3.

1899, 296.
R. L. III, § 109.

examination of its bridges and of the approaches thereto to be made by a competent engineer, who shall report the result of his examination, his conclusions and recommendations to the corporation or company, and it shall forthwith transmit a copy of the report to said board. Before a street railway company builds a bridge, it shall first submit the plans thereof to said board for approval. Upon the completion of a new bridge, the railroad corporation or street railway company shall forthwith cause such examination and report to be made and transmitted to said board. The report shall furnish such information, in such detail and with such drawings or prints, as may be requested in writing by said board. Said board may make further examination of the bridge structure if necessary or expedient. The provisions of this section shall not exempt a corporation from making other and more frequent examinations of its bridges and the approaches thereto.

CONDITIONAL SALE OF ROLLING STOCK.

Conditional
sale of rolling
stock.
1894, 826, §§ 1, 4.
R. L. III, § 75.

SECTION 59. A contract for the sale of railroad or street railway rolling stock may stipulate that the title to the property sold or contracted to be sold shall not vest in the purchaser until the purchase price is fully paid, or that the vendor shall have and retain a lien thereon for the unpaid purchase money although possession thereof may be delivered immediately or at any subsequent time, and a contract for the leasing or hiring of such property may stipulate for a conditional sale thereof at the termination of such contract, and that the rentals or amounts to be received thereunder, may, as paid, be applied and treated as purchase money, and that the title to the property shall not vest in the lessee or bailee until the purchase price shall have been paid in full and until the terms of the contract shall have been fully performed, notwithstanding delivery to and possession by such lessee or bailee. No such contract shall be valid as against any subsequent attaching creditor or any subsequent bona fide purchaser for value and without notice unless it is in writing executed by the parties and acknowledged by the vendee, lessee or bailee before a magistrate authorized to take acknowledgments of deeds, and in the same manner as deeds are acknowledged, and recorded in the office of the secretary of the commonwealth; nor unless each locomotive, engine or

car so sold, leased or hired, or contracted to be sold, leased or hired as aforesaid, shall have the name of the vendor, lessor or bailor plainly marked on each side thereof, followed by the word "owner", "lessor", or "bailor", as the case may be. The provisions of chapter one hundred and ninety-eight of the Revised Laws shall not apply to such contract.

SECTION 60. A contract authorized by the preceding section shall be recorded by the secretary of the commonwealth in a book to be kept for that purpose, and upon payment in full of the purchase money and the performance of the terms and conditions stipulated in such contract, a declaration in writing thereof may be made by the vendor, lessor or bailor, or his assignee on the margin of the record of the contract, attested, or it may be made by a separate instrument, acknowledged by the vendor, lessor or bailor, or his assignee, and recorded as aforesaid. A fee of five dollars shall be paid to the secretary of the commonwealth for recording such contract or declaration, and a fee of one dollar for noting such declaration on the margin of the record.

Record of contract, and fees.
1894, 336, § 2.
R. L. 111, § 78.

ATTACHMENT OF ROLLING STOCK.

SECTION 61. Railroad cars and engines, and street railway cars, in use and making regular passages on railroads or railways, shall not be attached upon mesne process, unless the officer who makes an attachment of such property has first demanded of the owners or managers thereof other property upon which to make such attachment equal in value to the ad damnum in the writ, and such owners or managers have refused or neglected to comply with said demand. Such attachment shall be void, unless the officer certifies in his return that he has made such demand, and that the owners or managers have refused or neglected to comply therewith.

Attachment of rolling stock.
1875, 144.
1881, 134.
P. S. 161, § 39.
R. L. 167, § 39.
140 Mass. 181.
187 Mass. 506.

NOTICE OF ACCIDENTS.

SECTION 62. Every railroad corporation and street railway company shall give immediate notice of an accident on its railroad or railway, which results in a loss of life, to the medical examiner of the county who resides nearest to the place of accident, and shall also, within twenty-four hours, give notice to the board of railroad commissioners

Notice of accidents.
1849, 172, § 2.
G. S. 63, § 100.
1869, 408, § 14.
1878, 98, § 2.
1874, 872, § 159.
1878, 7.
P. S. 112, § 206.
R. L. 111, § 263.
1908, 297.

of any such accident or of any accident of the description of accidents of which said board may require notice to be given. For each omission to give such notice, the corporation or company shall forfeit not more than one hundred dollars.

PENALTY FOR LOSS OF LIFE.

Penalty on corporations for loss of life through negligence, etc.
 1840, 80.
 1853, 414, §§ 1-3.
 G. S. 63, §§ 97-99.
 1864, 229, §§ 37, 38.
 1867, 164.
 1871, 331, §§ 49, 50.
 1874, 372, § 163.
 1881, 199, §§ 1, 5, 6.
 P. S. 112, § 212.
 1883, 243.
 1886, 140.
 R. L. 111, § 267.
 11 Cush. 512.
 5 Gray, 473.
 10 Allen, 189.
 13 Allen, 589.
 101 Mass. 201.
 107 Mass. 236.
 108 Mass. 7.
 120 Mass. 372.
 126 Mass. 61.
 129 Mass. 500.
 134 Mass. 211.
 135 Mass. 448.
 136 Mass. 6.
 139 Mass. 238, 252, 542.
 141 Mass. 471.
 143 Mass. 501.
 144 Mass. 425.
 147 Mass. 101.
 148 Mass. 473, 482.
 153 Mass. 79.
 113, 300.
 154 Mass. 478, 524.
 156 Mass. 316, 520.
 159 Mass. 3, 536.
 160 Mass. 39.
 161 Mass. 26, 298.
 162 Mass. 66.
 163 Mass. 132, 343.
 164 Mass. 425.
 165 Mass. 581.
 166 Mass. 492.
 171 Mass. 38, 52, 164.
 172 Mass. 211.
 173 Mass. 136.
 175 Mass. 141.
 180 Mass. 480.
 182 Mass. 337.
 185 Mass. 510.
 187 Mass. 77.

SECTION 63. If a corporation which operates a railroad or a street railway, by reason of its negligence or by reason of the unfitness or gross negligence of its agents or servants while engaged in its business, causes the death of a passenger, or of a person who is in the exercise of due care and who is not a passenger or in the employ of such corporation, it shall be punished by a fine of not less than five hundred nor more than five thousand dollars which shall be recovered by an indictment prosecuted within one year after the time of the injury which caused the death, and shall be paid to the executor or administrator, one half thereof to the use of the widow and one half to the use of the children of the deceased; or, if there are no children, the whole to the use of the widow; or, if there is no widow, the whole to the use of the next of kin; but a corporation which operates a railroad shall not be so liable for the death of a person while walking or being upon its railroad contrary to law or to the reasonable rules and regulations of the corporation. Such corporation shall also be liable in damages in the sum of not less than five hundred nor more than five thousand dollars, which shall be assessed with reference to the degree of culpability of the corporation or of its servants or agents, and shall be recovered in an action of tort, begun within one year after the injury which caused the death, by the executor or administrator of the deceased for the use of the persons hereinbefore specified in the case of an indictment. If an employee of a railroad corporation, being in the exercise of due care, is killed under such circumstances as would have entitled him to maintain an action for damages against such corporation if death had not resulted, the corporation shall be liable in the same manner and to the same extent as it would have been if the deceased had not been an employee. But no executor or administrator shall, for the same cause, avail himself of more than one of the remedies given by the provisions of this section.

188 Mass. 3, 371.

190 Mass. 84.

EVASION OF PAYMENT OF FARE.

SECTION 64. Whoever fraudulently evades or attempts to evade the payment of a toll or fare lawfully established by a railroad corporation or street railway company, either by giving a false answer to the collector of the toll or fare, or by travelling beyond the point to which he has paid the same, or by leaving the train or car without having paid the toll or fare established for the distance travelled, or otherwise, shall forfeit not less than five nor more than twenty dollars. Whoever does not upon demand first pay such toll or fare shall not be entitled to be transported for any distance, and may be ejected from a street railway car; but no person shall be removed from a car of a railroad corporation except as provided in section fifty-three, nor from a train except at a regular passenger station.

Evasion of
payment of
fare.
1849, 191, § 2.
1857, 240, § 5.
G. S. 63, §§ 113,
141.
1864, 229, § 33.
1871, 381, § 37.
1874, 372, § 150.
P. S. 112, § 197.
R. L. 111, § 251.
143 Mass. 68.
174 Mass. 401.
178 Mass. 64.
179 Mass. 242.
185 Mass. 379.

INJURY TO SIGNALS.

SECTION 65. Whoever unlawfully and intentionally injures, molests or destroys any signal of a railroad corporation or street railway company, or any line, wire, post or other structure or mechanism used in connection with such signal, or prevents or in any way interferes with the proper working of such signal, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years, or by both such fine and imprisonment.

Injury to
signal.
1876, 68.
P. S. 112, § 207.
1884, 5.
1890, 252.
R. L. 111, § 262.

THROWING MISSILES, ETC.

SECTION 66. Whoever wilfully throws or shoots a missile at a locomotive engine, or railroad or street railway car or train, or at a person on such engine or car or train, or in any way assaults or interferes with a conductor, engineer, brakeman, or motorman, while in the performance of his duty on or near such engine, or car or train, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. A person so offending may be arrested without a warrant by an officer authorized to serve criminal process, and kept in custody in jail or other convenient place not more than twenty-four hours, Sundays and legal holidays excepted, at or before the expiration of which time he shall be taken before a proper court or magistrate, and proceeded against according to law.

Throwing
missiles,
assaulting
engineer, etc.
1880, 110.
P. S. 112, § 206.
R. L. 111, § 260.
145 Mass. 403.

LEASE OR PURCHASE OF FRANCHISE.

Leases, etc., to
be approved
by board.
1894, 506, § 1.
R. L. III, § 278.

SECTION 67. A lease or purchase and sale of the franchise and property of a railroad corporation, or street railway company, and a consolidation of two or more railroad corporations, or street railway companies, whether authorized by general laws or a special act, shall not be valid or binding until the terms thereof shall, after public notice and a hearing, have been approved by the board of railroad commissioners, and a certificate signed by said board, setting forth the vote of approval, shall have been filed in the office of the secretary of the commonwealth. Said board shall announce its decision within thirty days after the final hearing upon the application of any railroad corporation or street railway company for permission to lease or sell to, consolidate with or purchase the franchise and other property of, any other railroad corporation or street railway company.

Repeal.

SECTION 68. Sections twenty-one, twenty-two, twenty-three, twenty-four and twenty-five of chapter one hundred and eight of the Revised Laws, sections eight, nine, ten, eleven, twelve, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, seventy-five, seventy-six, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-nine, two hundred and twenty-three, two hundred and twenty-four, two hundred and fifty-one, two hundred and sixty, two hundred and sixty-two, two hundred and sixty-three, two hundred and sixty-seven and two hundred and seventy-eight of chapter one hundred and eleven of the Revised Laws, sections sixty-three and ninety-four of chapter one hundred and twelve of the Revised Laws, section nineteen of chapter one hundred and twenty-five of the Revised Laws, chapters two hundred and ninety-eight, four hundred and two, four hundred and thirty-two, four

hundred and forty, five hundred and seven and five hundred and thirty-three of the acts of the year nineteen hundred and two; chapters one hundred and seventy-three, two hundred and ninety-seven and four hundred and seventy-eight of the acts of the year nineteen hundred and three; chapters ninety-six, two hundred and sixty-five, three hundred and fifty-seven and four hundred and twenty-nine of the acts of the year nineteen hundred and four; chapter four hundred and eight of the acts of the year nineteen hundred and five; and, so far only as they apply to railroads or street railways or to railroad corporations or street railway companies or to their officers, agents or employees, sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen and twenty of chapter one hundred and eight of the Revised Laws, sections seventeen and eighteen of chapter one hundred and twenty-five of the Revised Laws and section thirty-nine of chapter one hundred and sixty-seven of the Revised Laws are hereby repealed.

SECTION 69. The provisions of this act so far as they are the same as those of existing statutes, shall be construed as a continuation thereof and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been wholly or partially revised and re-enacted herein shall be construed as applying to such provisions as incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, or any action, suit or prosecution pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the laws repealed, but the proceedings shall, when necessary, conform to the provisions of this act. Any provision of this act by which a punishment, penalty or forfeiture is mitigated may be extended and applied to any judgment pronounced after said repeal. Whoever, when said repeal takes effect, holds an office under any of the laws repealed shall continue to hold it according to the tenure thereof unless it is abolished or unless a different provision relative thereto is made by this act.

Construction
of provisions,
etc.

Proceedings,
etc., not
affected.

PART II.

OF RAILROAD CORPORATIONS.

SECTION

- 1-2. Matters of construction.
 3-5. Corporations subject to the provisions of the chapter.
 6-7. Rights reserved by the commonwealth.
 8-12. Special charters.
 13-23. Incorporation under general laws.
 29-30. Organization.
 31-32. Officers.
 33-39. Meetings.
 40-47. Capital stock.
 48-56. Bonds and mortgages.
 57-62. Taking securities of other corporations.
 63-64. Stock and scrip dividends.
 65-70. Issue of capital stock, bonds, coupon notes and other evidences of indebtedness.
 71-125. Location and construction of railroad.
 (a). Conditions precedent (71-72).
 (b). Laying out railroad (73-81).
 (c). Taking land and damages therefor (82-100).
 (d). Embankments, fences, etc. (101-104).
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SECTION

- 129-204. Equipment and operation.
 (a). Drawbridges (129-136).
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 205-210. Connecting railroads.
 211-217. Taxation.
 218-222. Liens for labor and materials.
 223-225. Change of name.
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 232-241. Offences and penalties.
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 251-252. Railroads for private use.
 253-257. Corporations to construct railroads in foreign countries.

MATTERS OF CONSTRUCTION.

Definitions.
 1874, 372, § 2.
 P. S. 112, § 1.
 1892, 110.
 1898, 578, § 1.
 1901, 508.
 R. L. 111, § 1.

SECTION 1. In this act unless the context otherwise requires:

"Railroads and railways" means all railroads and railways except tramways in mines and marine railways.

"Railroad" means a railroad or railway of the class usually operated by steam power.

"Railroad corporation" means the corporation which lays out, constructs, maintains or operates a railroad of the class usually operated by steam power.

"Board of aldermen" or "selectmen" includes the board or other authority exercising the powers of a board of aldermen or of selectmen; but nothing herein shall be construed as affecting the veto power of a mayor of any city.

"Public way" means any way laid out by public authority.

Application to certain matters arising in Boston.
 1874, 372, § 5.
 1881, 91, § 1.
 P. S. 112, § 2.
 1885, 194, § 2.
 R. L. 111, § 2.

SECTION 2. The duties imposed by the provisions of this act upon county commissioners as a tribunal of original jurisdiction relative to the fixing of routes or to the location, construction, maintenance and operation of railroads shall, in the city of Boston, unless it is otherwise

expressly provided, devolve upon the board of aldermen of said city. When, in cases arising in said city, a jury is required, application therefor shall be made to the superior court in the manner prescribed in section ninety of chapter forty-eight of the Revised Laws, and duties imposed upon the county commissioners by reference or appeal from the board of aldermen of other cities shall devolve upon the board of railroad commissioners.

SECTION 3. Railroad corporations which have been heretofore established in this commonwealth shall be subject to the provisions of Parts I and II; which, so far as inconsistent with charters granted since the eleventh day of March in the year eighteen hundred and thirty-one, shall be an alteration and amendment thereof; but the provisions of this section shall not impair the validity of any special power heretofore conferred by charter or other special act upon a particular railroad corporation which had exercised such power before the first day of February in the year eighteen hundred and seventy-five, or prevent the continued exercise thereof conformably, so far as may be, to the provisions of this act.

Corporations
subject to this
chapter.
R. S. 39, § 45.
G. S. 63, § 1.
1874, 572, § 4.
P. S. 112, § 3.
R. L. 111, § 3.
174 Mass. 579.

SECTION 4. A railroad corporation chartered by the concurrent legislation of this and other states shall, as regards any portion of its railroad lying within this commonwealth, be entitled to all the benefits and be subject to all the liabilities of the railroad corporations of this commonwealth..

— chartered by
concurrent
legislation.
1874, 572, § 169.
P. S. 112, § 4.
R. L. 111, § 4.

SECTION 5. If a railroad which has been laid out and constructed by one corporation is lawfully maintained and operated by another corporation, the latter corporation shall be subject to the provisions of this act respecting or arising from the maintenance and operation of such railroad, as if such railroad had been laid out and constructed by it. If a railroad is lawfully maintained and operated by trustees, they shall in like manner be subject to the provisions of law respecting or arising from the maintenance and operation of such railroad which apply to the corporation for whose stockholders or creditors they are trustees.

— or trustees
operating rail-
roads of other
corporations.
1874, 572, § 3.
P. S. 112, § 5.
R. L. 111, § 5.
127 Mass. 574.
174 Mass. 579.

RIGHTS RESERVED BY THE COMMONWEALTH.

SECTION 6. The provisions of this act shall not impair the rights of the commonwealth as asserted or reserved in previous statutes, and the commonwealth may, at any

Rights re-
served by com-
monwealth.
R. S. 39, § 84.
G. S. 63, § 128.

1872, 53, § 18.
1874, 372 §§ 178,
180.
P. S. 112, §§ 6, 7.
R. L. 111, § 6.

time during the continuance of the charter of a railroad corporation after the expiration of twenty years from the opening of its railroad for use, purchase of the corporation its railroad and all its franchise, property, rights and privileges by paying therefor such amount as will reimburse to it the amount of capital paid in, with a net profit thereon of ten per cent a year from the time of the payment thereof by the stockholders to the time of the purchase.

Common-
wealth may
take railroad.
1870, 325, § 2.
1874, 372, § 181.
P. S. 112, § 8.
R. L. 111, § 7.

SECTION 7. The commonwealth may, at any time after one year's notice in writing to a railroad corporation, take and possess its railroad, franchise and other property; and shall pay therefor such compensation as may be awarded by three commissioners, who shall be appointed by the supreme judicial court, who shall be sworn to appraise the same justly and fairly, and who shall estimate and determine all damages sustained by it by such taking. A corporation which is aggrieved by their determination may have its damages assessed by a jury in the superior court for the county of Suffolk, in the manner provided in section ninety of chapter forty-eight of the Revised Laws.

SPECIAL CHARTERS.

Petition for
charter to be
accompanied
by report of
engineer, map,
etc.
1833, 176.
R. S. 39, § 46.
1848, 327, § 1.
1849, 131, § 2.
G. S. 63, § 13.
P. S. 112, § 29.
R. L. 111, § 30.

SECTION 8. A petition to the general court for a charter for a railroad corporation shall not be acted upon, unless it is accompanied by a map of the route on an appropriate scale, with a profile thereof on a vertical scale of ten to one as compared with the horizontal scale, and by the report of a competent engineer, based on actual examination and survey, showing the kind and amount of excavation, filling, bridging and masonry required, the grades, the number of highways and of other railroads, and of navigable streams and tide waters, to be crossed, and the manner of crossing the same, the general profile of the surface of the country through which the railroad is to pass, the feasibility of the route, the manner of constructing the railroad, and a detailed estimate of the cost of construction.

Plans, etc., to
be deposited in
state library.
1848, 140.
G. S. 63, § 14.
P. S. 112, § 30.
R. L. 111, § 31.

SECTION 9. Plans and profiles which may be presented to a committee of the general court in the hearing of a petition for such a charter shall be deposited by it in the state library.

Petition not to
be acted upon
until notice,
etc.
1833, 176.

SECTION 10. Such petition shall not be acted upon, until notice thereof has been published according to law, designating the route with such certainty as to give rea-

sonable notice to all persons interested therein that their rights may be affected by the granting of the petition, and that they may have an opportunity to appear and object thereto.

R. S. 39, § 47.
G. S. 63, § 15.
P. S. 112, § 31.
R. L. 111, § 32.

SECTION 11. Every charter shall confine the railroad within the limits indicated by the notice required in the preceding section, shall specify the several cities and towns through which the railroad may pass, and shall otherwise designate the route thereof with as much certainty as the nature of the case will admit.

Railroad to be within limits specified.
R. S. 39, § 48.
G. S. 63, § 16.
P. S. 112, § 32.
R. L. 111, § 33.

SECTION 12. The route of the railroad of a corporation established by special charter, and of its branches and extensions, shall be fixed according to the provisions of sections twenty and twenty-one except so far as they may have been fixed by special statute; and such railroad, branches and extensions shall be located and constructed according to the provisions of this act regulating the location and construction of railroads by corporations incorporated under general laws, except that section eighteen shall not apply, if authority so to locate and construct has been granted by special act of the general court.

Chartered railroads to be located, etc., under this chapter.
1874, 372, § 33.
P. S. 112, § 33.
1888, 265, § 3.
R. L. 111, § 34.

INCORPORATION UNDER GENERAL LAWS.

Formation.

SECTION 13. Fifteen or more persons may associate themselves by a written agreement of association with the intention of forming a railroad corporation.

Incorporation of railroad corporations.
1872, 53, § 1.
1874, 372, § 19.

P. S. 112, § 34.

R. L. 111, § 35.

124 Mass. 368.

SECTION 14. The agreement of association shall state: —

Agreement of association, corporate name, etc.
1872, 53, § 2.
1874, 298; 372, § 20.
1878, 236, § 1.
P. S. 112, § 35.
R. L. 111, § 36.

(a) That the subscribers thereto associate themselves with the intention of forming a railroad corporation.

(b) The corporate name assumed, which shall be one not in use by any other railroad corporation in this commonwealth, or, in the judgment of the board of railroad commissioners, so similar thereto as to be likely to be mistaken for it, and which shall contain the words, "railroad corporation", at the end thereof.

(c) The termini of the railroad.

(d) The length of the railroad, as nearly as may be.

(e) The name of each county, city and town in which the railroad is to be located.

(f) The gauge of the railroad, which shall be either four feet eight and one half inches, or three feet.

(g) The total amount of the capital stock of the corporation, which shall be not less than ten thousand dollars for each mile, if the gauge is four feet eight and one half inches, and not less than five thousand dollars for each mile, if the gauge is three feet.

(h) The par value of the shares, which shall be one hundred dollars.

(i) The names and residences of at least five persons, who shall be subscribers to the agreement of association, to act as directors until others are chosen and qualified in their stead.

Each associate shall subscribe to the agreement of association his name, residence, post office address, and the number of shares of stock which he agrees to take; but no subscriber shall be bound to pay more than ten per cent of the amount of his subscription unless a corporation is incorporated.

Associates'
authority.
1872, 53, § 3, 4.
1874, 572, § 21.
P. S. 112, § 36.
E. L. 111, § 87.

SECTION 15. The associates may from time to time, at a meeting called for the purpose, reduce the amount of the capital stock, but not below the limit prescribed in the preceding section; and they may, in like manner, change the gauge of their railroad to the other gauge allowed by said section. The directors shall appoint a clerk and a treasurer, who shall hold their respective offices until a clerk and a treasurer of the corporation are chosen and qualified in their stead. The directors shall fill any vacancy in their board, or in the office of clerk or treasurer, before the organization of the corporation.

Publication of
agreement
of association.
1872, 53, § 5.
1874, 572, § 22.
P. S. 112, § 37.
E. L. 111, § 38.

SECTION 16. The directors, before fixing the route of the railroad as hereinafter provided, shall cause a copy of the agreement of association to be published in a newspaper, if any, published in each of the cities and towns in which the railroad is to be located, and if, in any county, a newspaper is published in none of said cities and towns therein, in such newspaper published in said county as shall be designated by the board of railroad commissioners, at least once in each of three successive weeks; and, three weeks before fixing said route, shall also cause a copy of said agreement to be posted in two or more public places in each of said cities and towns in which said railroad is to be located; and the sworn certificate of the clerk shall be conclusive evidence of such publication and posting.

SECTION 17. The directors shall prepare a map of the route on an appropriate scale, with a profile thereof on a vertical scale of ten to one as compared with the horizontal scale, and shall procure the report of a competent engineer, based on actual examination and survey, showing the kind and amount of excavation, filling, bridging and masonry required, the grades, the number of highways and of other railroads, and of navigable streams and tide waters, to be crossed, and the manner of crossing the same, the general profile of the surface of the country through which the railroad is to pass, the feasibility of the route, the manner of constructing the railroad, and a detailed estimate of the cost of construction.

Map of route, report of engineer and estimates. 1872, 53, § 6; 180, § 3. 1874, 572, § 23. P. S. 112, § 88. R. L. 111, § 39. 194 Mass. 375.

SECTION 18. After compliance with the provisions of sections thirteen to sixteen, inclusive, and within thirty days after the first publication of notice of the agreement of association therein required, the directors therein named shall apply to the board of railroad commissioners for a certificate that public convenience and necessity require the construction of a railroad as proposed in such agreement. If said board refuses to issue such certificate, no further proceedings shall be had, but the application may be renewed after one year from the date of such refusal.

Certificate of public convenience and necessity. Exigency. 1883, 365, § 1. R. L. 111, § 40.

SECTION 19. The directors shall submit said map and report to the board of aldermen of every city and to the selectmen of every town named in the agreement of association, who shall thereupon appoint a time and place for a hearing, of which notice shall be given by publication in a newspaper published in said city or town, or if none is published therein, in such newspaper published in the county in which said city or town is situated as shall be designated by the board of railroad commissioners, at least once in each of two successive weeks, the last publication to be at least two days before the hearing; and by posting copies of said notice in two or more public places in said city or town at least two weeks before such hearing.

Submission of map, etc., to board of aldermen, etc. 1873, 121, § 2. 1874, 572, § 24. P. S. 112, § 39. R. L. 111, § 41.

SECTION 20. If the board of aldermen of a city or the selectmen of a town named in the agreement of association, after such notice, exhibition of the map and the hearing, agree with the directors as to the said route or as to any route of the railroad in said city or town, they shall in such agreement fix the route, and sign and give to the directors a certificate setting it forth.

Route may be agreed upon. 1873, 53, § 7; 180, § 3. 1874, 572, § 25. P. S. 112, § 40. R. L. 111, § 42. 194 Mass. 376.

Route may be fixed by board of railroad commissioners in cases.
1872, 53, § 8;
180, § 3.
1874, 572, § 26.
P. S. 112, § 41.
R. L. 111, § 43.
124 Mass. 376.

Spurs and branches.
1873, 121, § 3.
1874, 572, § 27.
P. S. 112, § 42.
R. L. 111, § 44.
124 Mass. 376.

Certificate, map and report to be deposited with board of railroad commissioners.
1872, 53, § 9.
1874, 572, § 28.
P. S. 112, § 43.
R. L. 111, § 45.

Certificate of compliance. Filing. Certificate of incorporation.
1872, 53, § 10.
1874, 572, § 29.

SECTION 21. If they fail so to agree, the directors may petition the board of railroad commissioners to fix the route in said city or town; and said board, after notice to said board of aldermen or selectmen, shall hear the parties, and fix the route in such city or town, and make a certificate setting forth the route as fixed by it, which shall be certified by its clerk to the directors. The costs of the petition shall be paid by the directors. All variations from the route first proposed shall be made upon the map.

SECTION 22. The route fixed under the provisions of the two preceding sections may include such spurs, branches and connecting and terminal tracks in any city or town as may be necessary to enable the corporation conveniently to collect and deliver passengers and freight therein; but no such branches, spurs or connecting or terminal tracks shall be laid longitudinally within the limits of a public way without the consent of the board of aldermen or the selectmen, who, in giving such consent, may impose such conditions as to the location, construction and use thereof as may be agreed upon between themselves and the directors. A corporation which owns or operates any such tracks so laid longitudinally in a public way shall, in respect to the same, be liable to the city or town for all loss or damage caused to it by the construction and use of such tracks and by the negligence or default of the agents or workmen of such corporation on such way.

SECTION 23. When the amount of capital stock named in the agreement of association has been subscribed in good faith by responsible persons, and ten per cent of the par value of each share has been actually paid in cash to the treasurer, the directors, clerk and treasurer shall annex to the agreement of association their certificate setting forth these facts, and that it is intended in good faith to locate, construct, maintain and operate the railroad upon the route fixed, shall also annex to said agreement the certificate of publication specified in section sixteen, and the several certificates fixing the route, shall present the same for inspection to the board of railroad commissioners, and shall at the same time deposit in the office of said board the report of the engineer and the map.

SECTION 24. When it is shown to the satisfaction of the board of railroad commissioners that the requirements of this chapter preliminary to the incorporation of a railroad corporation have been complied with, and that an

amount sufficient in its judgment to pay all damages immediate or consequential which may be occasioned by laying out, making and maintaining the railroad, or by taking any land or materials therefor, has in good faith been paid in cash to the treasurer, and when said board is satisfied by a bond, or such other assurance of good faith as it may consider necessary and require, that said amount will remain in the hands of said treasurer until it is drawn out for the lawful expenditures of the corporation, the clerk of said board, upon its order, shall annex to the agreement of association a certificate stating that such requirements have been complied with. The directors shall thereupon file the agreement of association, with all the certificates annexed thereto, in the office of the secretary of the commonwealth; who, upon the payment to him of a fee of fifty dollars, shall receive and preserve the same in form convenient for reference and open to public inspection, and shall thereupon issue a certificate of incorporation substantially in the following form: —

1881, 161.
P. S. 112, § 44.
R. L. 111, § 46.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [names of the subscribers to the agreement of association] have associated themselves with the intention of forming a corporation under the name of the [name of the corporation], for the purpose of locating, constructing, maintaining and operating a railroad [description of the railroad as in the agreement of association], and have complied with the statutes of this commonwealth in such cases made and provided: Now, therefore, I, Form of certificate.
secretary of the commonwealth of Massachusetts, do hereby certify that the persons aforesaid, their associates and successors, are legally established as a corporation under the name of the [name of the corporation], with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or hereafter may be in force relating to railroad corporations.

In witness whereof, I have hereunto subscribed my official signature, and affixed the Great Seal of said commonwealth, this
day of _____, in the year _____. [day,
month and year.]

The secretary of the commonwealth shall sign the certificate of incorporation, and cause the Great Seal of the commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The secretary of the commonwealth shall also cause a record of the certificate of incorporation to be made, and such cer- Certificate to be recorded.

Increase and
reduction of
capital stock.
1872, 68, § 15.
1873, 121, § 1.
P. S. 112, § 45.
R. L. 111, § 48.

Change of
gauge regu-
lated.
1879, 156.

Proceedings
void.
1882, 265, § 2.
R. L. 111, § 47.

Limit of time
for construc-
tion of rail-
road.
1872, 53, § 16.
P. S. 112, § 45.
R. L. 111, § 48.

Capital stock
of narrow-
gauge rail-
roads.
1874, 298.
P. S. 112, § 45.
R. L. 111, § 48.

tificate, or such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

SECTION 25. If the capital stock fixed in the agreement of association is found to be insufficient for the construction and equipment of the railroad, the corporation at a meeting called for the purpose may, subject to the provisions of section sixty-five, increase the same, from time to time, to the amount necessary for those purposes. It may, at a meeting called for the purpose, reduce the amount of the capital stock, but not below the limit prescribed in section fourteen. It may, also, in like manner, change the gauge to the other authorized gauge; but a corporation organized to construct its railroad on a gauge of three feet shall not change such gauge to four feet eight and one half inches without complying with all provisions of law relative to the capital stock of railroads of the broad gauge; and the fact that such provisions have been complied with shall be shown to the satisfaction of the board of railroad commissioners, and indorsed by its clerk upon the certificate of such change of gauge before it is filed in the office of the secretary of the commonwealth. A certificate of the increase or reduction of capital or change of gauge shall, within thirty days thereafter, be filed in the office of the secretary of the commonwealth.

SECTION 26. The agreement of association, and all proceedings thereunder, including the fixing of the route, shall be void, unless the certificate of incorporation is issued within one year after the time the route is fixed as provided in section twenty or twenty-one.

SECTION 27. If a corporation does not begin the construction of its railroad and expend thereon at least ten per cent of the amount of its original capital stock within two years after the date of its certificate of incorporation, and does not complete and open its railroad for use within four years after said date, its corporate powers and existence shall cease.

SECTION 28. A corporation which has a railroad of the gauge of three feet shall not begin running its trains, until its paid-up capital stock is equal to one half of its cost, including equipment.

ORGANIZATION.

SECTION 29. Upon the issue of such certificate of incorporation, the first meeting of the incorporators shall be called by a notice signed by a majority of the directors; and such notice shall state the time, place and purposes of the meeting. A copy of such notice shall, seven days at least before the day appointed for the meeting, be given to each incorporator or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof, and an affidavit of the clerk that the notice has been duly served, shall be recorded with the records of the corporation. If all of the incorporators shall in writing waive such notice, and fix the time and place of the meeting, no notice shall be required.

First meeting of incorporators.
R. L. 109, §§ 13, 14.
R. L. 110, § 17.
R. L. 111, § 48.
See 1903, 437, § 9.

SECTION 30. At such first meeting, or at any adjournment thereof, the incorporators shall organize by the adoption of by-laws, and by the election, by ballot, of not less than five directors. The clerk appointed by the directors under section fifteen shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

Organization.
1861, 133, §§ 4, 5.
G. S. 61, § 5.
1870, 224, § 10.
P. S. 106, § 20.
R. L. 110, § 19.
See 1903, 437, § 10.

OFFICERS.

SECTION 31. The business of every corporation shall be managed and conducted by a president, a board of not less than five directors, a clerk, a treasurer and such other officers and such agents as the corporation by its by-laws shall authorize.

Officers.
R. L. 110, § 22.
R. L. 111, § 58.
See 1903, 437, § 17.

SECTION 32. The directors shall be elected annually by the stockholders by ballot, and the president shall be elected annually by and from the board of directors, and the treasurer and the clerk annually by said board. Every director, unless the by-laws otherwise provide, shall be a stockholder. The treasurer may be required to give a bond for the faithful performance of his duty in such sum and with such sureties as the by-laws may prescribe. The clerk, who shall be a resident of this commonwealth, shall be sworn, and shall record all votes of the corporation in a book to be kept for that purpose. The officers of a corporation shall hold office for one year and until their suc-

Election of officers.
R. L. 110, §§ 22-24.
R. L. 111, § 58.
See 1903, 437, § 18.

cessors are chosen and qualified. The manner of choosing or of appointing all other agents and officers and of filling all vacancies shall be prescribed by the by-laws, and, in default of provision by such by-laws, vacancies may be filled by the board of directors.

MEETINGS.

Meetings of stockholders.
R. L. 111, § 55.
See 1908, 487, § 20.

Notice of meeting.

Quorum, etc.

Meetings may be called under warrant by justice of the peace in cases.
1889, 49.
R. S. 44, § 4.
G. S. 68, § 5.
P. S. 103, § 11.
R. L. 109, § 15.
See 1908, 487, § 21.

Special meetings.
R. L. 111, § 55.
See 1908, 487, § 22.

SECTION 33. There shall be an annual meeting of the stockholders, and the time and place of holding it, and the manner of conducting it, shall be fixed by the by-laws. All meetings of stockholders shall, unless the by-laws otherwise provide, be held in the commonwealth; and shall be called, and notice thereof given, in the manner provided in the by-laws of the corporation; or, if the by-laws make no provision therefor, shall be called by the president, and a written or printed notice, stating the place, day and hour thereof, given by the clerk, at least seven days before such meeting, to each stockholder by leaving such notice with him or at his residence or usual place of business, or by mailing it, postage prepaid, and addressed to each stockholder at his address as it appears upon the books of the corporation. Unless the by-laws otherwise provide, a majority in interest of all stock issued and outstanding and entitled to vote shall constitute a quorum. Notices of all meetings of stockholders shall state the purposes for which the meetings are called. No notice of the time, place or purpose of any regular or special meeting of the stockholders shall be required, if every stockholder, or his attorney thereunto authorized, by a writing which is filed with the records of the meeting, waives such notice.

SECTION 34. If, by reason of the death or absence of the officers of a corporation or other cause, there is no person authorized to call or preside at a legal meeting, or if the clerk or other officer refuses or neglects to call it, a justice of the peace may, upon written application of three or more of the stockholders, issue a warrant to any one of them, directing him to call a meeting by giving such notice as is required by law, and may, by the same warrant, direct him to preside at the meeting until a clerk is chosen and qualified, if no officer of the corporation is present who is legally authorized to preside.

SECTION 35. A special meeting of the stockholders shall be called, and a written or printed notice thereof, stating the time, place and purpose of the meeting, given, by the

clerk upon written application of three or more stockholders who are entitled to vote, and who hold at least one tenth part in interest of the capital stock.

SECTION 36. A corporation shall not, directly or indirectly, vote upon any share of its own stock.

R. L. 111, § 57.

See 1903, 437, § 23.

Voting rights of corporation upon its own stock.

SECTION 37. Stockholders who are entitled to vote shall have one vote for each share of stock owned by them. Stockholders may vote either in person or by proxy. No proxy which is dated more than six months before the meeting named therein shall be accepted, and no such proxy shall be valid after the final adjournment of such meeting.

— of stockholders; proxies.
R. L. 110, § 25.
R. L. 111, § 57.
See 1903, 437, § 24.

SECTION 38. Executors, administrators, conservators, guardians, trustees or persons in any other representative or fiduciary capacity may vote as stockholders upon stock held in such capacity.

P. S. 105, § 13.

R. L. 109, § 17.

See 1903, 437, § 29.

9 Cush. 192.

101 Mass. 398.

— of fiduciary stockholders.
1829, 53, § 12.
R. S. 38, § 35.
1838, 96, § 2.
G. S. 68, § 11.

SECTION 39. Meetings of the board of directors may be held within or without the commonwealth. Any meeting of the board of directors shall be a legal meeting without notice, if each director, who is absent, by a writing which is filed with the records of the meeting, waives such notice.

Meetings of directors.
See 1903, 437, § 25.

CAPITAL STOCK.

SECTION 40. Each stockholder shall be entitled to a certificate, which shall be signed by the president and by the treasurer of the corporation, or by such other officers as may be authorized by the by-laws, shall be sealed with its seal, and shall certify the number of shares owned by him in such corporation.

Stock certificates.
R. L. 110, § 27.
R. L. 111, § 59.
See 1903, 437, § 26.

SECTION 41. The delivery of a certificate of stock by the person named as the stockholder in such certificate or by a person entrusted by him with its possession for any purpose to a bona fide purchaser or pledgee for value, with a written transfer thereof, or with a written power of attorney to sell, assign or transfer the same, signed by the person named as the stockholder in such certificate, shall be a sufficient delivery to transfer title as against all persons; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact until it has been recorded upon the books of the corporation, or until

Transfer of stock.
1833, 187, § 8.
R. S. 39, § 52.
G. S. 63, § 11.
1874, 872, § 44.
1881, 302.
P. S. 112, § 56.
R. L. 111, § 59.
1903, 423, 437, § 28.
12 Gray, 213, 227.
3 Allen, 342.
3 Allen, 15.
134 Mass. 239.
150 Mass. 64.
132 Mass. 555.

a new certificate has been issued to the person to whom it has been so transferred. Such purchaser, upon delivery of the former certificate to the treasurer of the corporation, shall be entitled to receive a new certificate. A pledgee of stock transferred as collateral security shall be entitled to a new certificate if the instrument of transfer substantially describes the debt or duty which is intended to be secured thereby. Such new certificate shall express on its face that it is held as collateral security, and the name of the pledgor shall be stated thereon, who alone shall be liable as a stockholder, and entitled to vote thereon.

Stock books,
and corporate
records.
R. L. 109, §§ 32-
35.
See 1908, 487,
§ 30.

SECTION 42. The certificate of incorporation, and an attested copy of the agreement of association, and of the by-laws, with a reference on the margin of the copy of the by-laws to all amendments thereof, and a true record of all meetings of stockholders, shall be kept by the corporation at its principal office for the inspection of its stockholders. The stock and transfer books of such corporation, which shall contain a complete list of all stockholders, their residences and the amount of stock held by each, shall be kept at an office of the corporation for the inspection of its stockholders. Said stock and transfer books and said attested copies and records shall be competent evidence in any court of this commonwealth. If any officer or agent of a corporation having charge of such copies, books or records refuses or neglects to exhibit them or to submit them to examination as aforesaid, he or the corporation shall be liable to any stockholder for all actual damages sustained by reason of such refusal or neglect, and the supreme judicial court or the superior court shall have jurisdiction in equity, upon petition of a stockholder, to order any or all of said copies, books or records to be exhibited to him and to such other stockholders as may become parties to said petition, at such a place and time as may be designated in the order.

Lost certifi-
cates.
R. L. 110, § 38.
See 1908, 487,
§ 31.

SECTION 43. The directors of a corporation may, unless otherwise provided by the by-laws, determine the conditions upon which a new certificate of stock may be issued in place of any certificate which is alleged to have been lost or destroyed. They may, in their discretion, require the owner of a lost or destroyed certificate, or his legal representative, to give a bond with sufficient surety to the corporation, in a sum not exceeding double the market value of the stock to indemnify the corporation against any loss

or claim which may arise by reason of the issue of a certificate in place of such lost or destroyed stock certificate.

SECTION 44. Every corporation shall, once in every five years, publish three times successively in a newspaper in the city of Boston, and also in a newspaper in the county in which the principal office of the corporation is located, a list of all dividends which have remained unclaimed for two years or more and the names of the persons to whose credit such dividends stand.

Unclaimed dividends.
1887, 56.
G. S. 68, § 19.
P. S. 105, § 27.
E. L. 108, § 40.
See 1908, 457, § 32.

SECTION 45. The directors may from time to time assess upon each share such amounts, not exceeding in all one hundred dollars on a share, or the price fixed under the provisions of section seventy, as they think proper, and may direct the same to be paid to the treasurer, who shall give notice thereof to the subscribers. If a subscriber has made no payment upon his shares, the directors, thirty days after an assessment has become due, may declare them forfeited, and may transfer them to any responsible person who subscribes for them and pays the assessments then due. If a subscriber neglects, for thirty days after notice from the treasurer, to pay an assessment upon his shares, the directors may order the treasurer, after giving notice of the sale, to sell such shares by public auction to the highest bidder, and, upon the payment by him to the corporation of the unpaid assessments, of interest to the date of sale and of the charges of sale, the shares shall be transferred to him. If within thirty days after the sale the purchaser does not make said payment to the corporation, the sale shall be cancelled, and the subscriber shall be liable to the corporation for the unpaid assessments, interest thereon and charges of sale. If the amount so paid by the purchaser to the corporation is more than the amount for which the shares were sold, the subscriber shall be liable to the purchaser for the deficiency; if it is less, the purchaser shall be liable to the subscriber for the surplus. If a subscriber neglects to pay his assessment for thirty days as above provided, the directors may elect to proceed by an action at law against said delinquent subscriber to recover all amounts due and payable by him with interest. If a judgment rendered in an action against a subscriber remains unsatisfied for thirty days, all amounts previously paid by him shall be forfeited to the company and the directors may offer such shares for sale as above provided.

Assessments upon shares.
E. S. 89, § 53.
1892, 308.
G. S. 68, §§ 8-10.
1874, 872, § 45.
P. S. 112, § 57.
E. L. 111, § 80.
See 1908, 457, § 15.
18 Met. 311.
9 Cush. 15.
1 Gray, 544.
2 Gray, 277.
4 Gray, 61.
5 Gray, 520.
8 Gray, 596.
107 Mass. 508.
110 Mass. 213.
113 Mass. 79.

Increase of
capital stock.
1874, 351, § 2;
372, § 48; 384,
§ 1.
P. S. 112, § 60.
1894, 502.
R. L. 111, § 61.

SECTION 46. A railroad corporation, for the purpose of building a branch or extension, or of aiding in the construction of another railroad, or of taking stock in a grain elevator corporation in the organization of which it is an associate, or of erecting and operating grain elevators within this commonwealth, or of building depots, or of abolishing grade crossings, or of making permanent investments or improvements, or of funding its floating debt, or of refunding its funded debt, or for the payment of money borrowed for any lawful purpose, or for other necessary and lawful purposes, may, from time to time, in accordance with the provisions of section sixty-five, increase its capital stock or bonds beyond the amounts fixed and limited by its agreement of association or its charter, or by any special law.

Forfeiture for
unauthorized
increase of
capital stock.
1871, 389.
1874, 372, § 177.
P. S. 112, § 61.
R. L. 111, § 62.
109 Mass. 99.
142 Mass. 146.

SECTION 47. If a railroad corporation owning a railroad in this commonwealth and consolidated with a corporation owning a railroad in another state increases its capital stock, or the capital stock of such consolidated corporation, except as authorized by this act, without authority of the general court, or without such authority extends its line of railroad, or consolidates with any other corporation, or makes a stock dividend, the charter and franchise of such corporation shall be subject to forfeiture.

BONDS AND MORTGAGES.

Issue of bonds
to fund float-
ing debt.
1864, 286, §§ 1,
2, 4.
G. S. 68, §§ 120,
121.
1899, 181, § 1.
1874, 372 § 49.
1875, 58.
1876, 170.
P. S. 112, § 62.
1887, 191.
1894, 492.
1897, 337.
R. L. 111, § 68.
10 Allen, 448,
459.
157 Mass. 40.
171 Mass. 242.

SECTION 48. A railroad corporation may, by vote at a meeting called for the purpose, in accordance with the provisions of this section and of sections sixty-five and sixty-six, but not otherwise, issue coupon or registered bonds, coupon notes or other evidences of indebtedness payable at periods of more than twelve months from the date thereof to provide means for funding its floating debt, or for the payment of money borrowed for any lawful purpose, and may mortgage or pledge, as security for the payment of such indebtedness, a part or all of its railroad, equipment or franchise, or a part or all of its real or personal property. Such bonds, coupon notes or other evidences of indebtedness may be issued in amounts of not less than one hundred dollars each, payable in periods not exceeding fifty years from the date thereof, and may bear interest not exceeding seven per cent a year, payable annually or semi-annually, to an amount which, including that of bonds,

coupon notes or other evidences of indebtedness previously issued, does not exceed in all the capital stock of the corporation actually paid in at the time; and such bonds, coupon notes or other evidences of indebtedness shall be recorded by its treasurer in books to be kept in his office. A bond, coupon note or other evidence of indebtedness shall not be issued unless approved by a person appointed by the corporation for that purpose, who shall certify that it is properly issued and recorded.

SECTION 49. At the request of the owner or holder of any coupon bonds lawfully issued, the railroad corporation which issued them may issue registered bonds in exchange for them, upon such terms and under such regulations as its directors may prescribe, and with the consent and approval of the trustees, if any, to whom a mortgage or pledge has been executed; and such registered bonds shall, with the exception of the coupons, correspond in all respects with the coupon bonds for which they are exchanged, and shall be in conformity with all laws authorizing the issue of said coupon bonds. Such exchange shall not affect a mortgage or pledge given as security for the payment of such coupon bonds, and such mortgage or pledge shall remain in full force as security for such registered bonds; and the coupon bonds shall be cancelled and destroyed at the same time that the registered bonds are issued in exchange therefor.

Registered bonds.
1869, 181, §§ 2-4.
1874, 372, § 50.
P. S. 112, § 63.
R. L. 111, § 64.

SECTION 50. A railroad corporation which has issued bonds shall not subsequently execute a mortgage upon its railroad, equipment and franchise or upon any of its real or personal property, without including in and securing by such mortgage all bonds previously issued and all its pre-existing debts and liabilities.

Mortgage to secure bonds previously issued.
1854, 286, § 3.
G. S. 63, § 123.
1874, 372, § 51.
P. S. 112, § 64.
R. L. 111, § 65.

SECTION 51. All bonds or notes which are issued by a railroad corporation shall be valid and binding, although negotiated and sold by it or its agents at less than par.

Securities collectible.
1864, 286, § 5.
G. S. 63, § 123.
1874, 372, § 52.

P. S. 112, § 65.

R. L. 111, § 66.

SECTION 52. If a railroad corporation, having executed a mortgage of its property, rights and privileges, or of a part thereof, to trustees for the benefit of its general creditors, or of a particular class of creditors, makes default in the performance of the condition of the mortgage, so that the trustees or their successors are entitled to the actual possession and usufruct of the property, rights and privileges therein conveyed, in trust for the purposes speci-

Trustees entitled to possession may contract with corporation to operate railroad.
1857, 178, § 1.
G. S. 63, § 124.
P. S. 112, § 66.
R. L. 111, § 67.

fied in the mortgage, the trustees, after entry, instead of retaining actual possession of the mortgaged premises and operating the railroad, may contract with the corporation or other competent party to take or retain for them the possession of the mortgaged premises, and to use and operate the same on its own responsibility, accounting with the trustees for the earnings and income, and paying over the profits and net income periodically, when and as far as may be necessary for the performance of the conditions of the mortgage, if a majority in interest of the bondholders or creditors under the mortgage shall so vote, in person or by proxy, at a meeting called for the purpose, notice of which shall be published ten days before said meeting in two or more daily papers published in the city of Boston, and in at least one newspaper published in each county in which the railroad is located. All liabilities incurred by the corporation or other party in operating the railroad under such contract shall be held as claims against and be paid out of the income, in the same manner and to the same extent as if the property had remained in the actual possession of the trustees and been operated by them.

Trustees in possession to call annual meetings.
1857, 178, §§ 2, 3.
G. S. 68, §§ 125, 126.
P. S. 112, §§ 67, 68.
R. L. 111, § 68.

SECTION 53. Trustees in possession of a railroad under a mortgage shall annually call a meeting of the bondholders or creditors for whose security they hold the railroad in trust, to be held in December, of which notice shall be given by publication, at least ten days before such meeting, in two or more daily newspapers in the city of Boston, and in at least one newspaper in each county in which the railroad is located; and at such meeting they shall submit a report for the year, similar to the annual report of railroad directors to stockholders. If they fail to call such a meeting, five or more bondholders or creditors, whose claims secured by the mortgage amount to not less than ten thousand dollars, may in the same manner call such meeting, to be held in the January following said December.

Election and confirmation of trustees.
1857, 178, § 4.
G. S. 68, § 127.
P. S. 112, § 69.
R. L. 111, § 69.

SECTION 54. At the annual meeting held under the provisions of the preceding section, the bondholders or creditors, by a majority in interest vote, may, in person or by proxy, elect three trustees under the mortgage for the ensuing year, and until others are chosen and qualified. And the trustees or any of them or a bondholder or creditor may submit the proceedings of the meeting for confirma-

tion to a justice of the supreme judicial court, in court or at chambers, first giving notice of his intention so to do to the former trustees under the mortgage, to the trustees of all other existing mortgages upon the railroad, and to the corporation, seven days at least before the hearing thereon; which notice may be served by an officer or disinterested person. The justice may hear the parties, ratify the election, and enter such decree as he may find necessary to transfer the property to the new trustees; which decree shall be filed in the office of such clerk of the court as the justice may direct.

SECTION 55. The supreme judicial court shall have jurisdiction in equity of all cases arising under the provisions of the two preceding sections, and of all questions arising out of railroad mortgages, and may summarily remove a trustee under a railroad mortgage, whether he is in possession of the railroad or not, and appoint a new trustee in his stead.

Equity jurisdiction of supreme judicial court. 1857, 178, § 5. G. S. 63, § 128. P. S. 112, § 70. R. L. 111, § 70. 127 Mass. 48. 171 Mass. 244.

SECTION 56. A purchaser of a railroad at a sale under a valid foreclosure of a legal mortgage thereof, and his successors in title, shall, relative to the construction, maintenance and operation of said railroad, be subject to all the duties, liabilities and restrictions, and have all the powers and rights, which the mortgagor was subject to and had at the time of said sale.

Rights of purchaser under foreclosure. 1886, 142, § 1. R. L. 111, § 74. 171 Mass. 244.

TAKING SECURITIES OF OTHER CORPORATIONS.

SECTION 57. A railroad corporation, unless authorized by the general court or by the provisions of the following five sections, shall not directly or indirectly subscribe for, take or hold the stock or bonds of or guarantee the bonds or dividends of any other corporation; and the amount of the bonds of one or more other corporations subscribed for and held by a railroad corporation, or guaranteed by it conformably to special authority of the general court or the authority given in said sections, with the amount of its own bonds issued in conformity with sections forty-eight and forty-nine, shall not exceed at any time the amount of its capital stock actually paid in in cash.

Taking securities in other corporations. 1868, 347, § 1. 1872, 53, § 17; 180, § 2. 1874, 372, § 53. P. S. 112, § 74. R. L. 111, § 77.

SECTION 58. A railroad corporation may hold stock in a telegraph company whose telegraph connects two or more places on the railroad to an amount not exceeding two hundred dollars for each mile of railroad so connected.

Stock in a telegraph company. 1849, 68, § 8. G. S. 63, § 12. 1874, 372, § 54. P. S. 112, § 75. R. L. 111, § 78.

Guaranty of
bonds of
steamship
companies.
1868, § 47, § 2.
1874, § 72, § 53.
P. S. 112, § 76.
R. L. 111, § 79.

SECTION 59. A railroad corporation may guarantee, to an amount not exceeding five per cent of its capital stock, the bonds of any corporation incorporated by the general court for the purpose of carrying freight, passengers and mails between any port of this commonwealth and Europe; or, upon adequate security therefor, may issue its own bonds to the same amount, conformably to the provisions of section forty-eight.

Railroad cor-
poration may
become asso-
ciate in grain
elevator cor-
poration.
1874, § 84, §§ 1, 2.
P. S. 112, §§ 77,
78.
R. L. 111, § 80.

SECTION 60. A railroad corporation may become an associate under the provisions of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three in the formation of a corporation for the purpose of erecting and operating a grain elevator within this commonwealth, and may take stock in any elevator corporation so organized, and, at all meetings, and in all transactions of such elevator corporation, the president of the railroad corporation, or in his absence any officer appointed by its board of directors, may represent, act and vote in the name of such railroad corporation.

Connecting
roads may
guarantee each
other's bonds.
1870, § 25, § 4.
1871, § 84.
1874, § 72, § 56.
P. S. 112, § 79.
R. L. 111, § 81.

SECTION 61. If two corporations own and operate connecting railroads, which are wholly constructed, either corporation may guarantee the bonds of the other, upon such terms and to such an extent as may be authorized at a meeting called for the purpose, if the bonds so guaranteed do not exceed the amount of the capital stock of the corporation by which they were issued actually paid in in cash by its stockholders, and if they are in all other respects issued in conformity with law.

Railroad cor-
porations may
aid in con-
struction of
branches, etc.
1874, § 51, § 4;
§ 72, § 57.
P. S. 112, § 80.
R. L. 111, § 82.
171 Mass. 289.

SECTION 62. A railroad corporation may aid in the construction of any branch or connecting railroad within the limits of this commonwealth, whether connecting by a railroad or steamboat line, by subscribing for shares of stock in such corporation, or by taking its notes or bonds to be secured by mortgage or otherwise, and may vote on all shares of stock so subscribed for and held; but a corporation shall not so subscribe to an amount in excess of two per cent of its paid-up capital stock, or mortgage its property to secure the loans or subscriptions made by any other corporation under the provisions of this section, except by a vote of a majority in interest of the stockholders at a meeting called for that purpose.

STOCK AND SCRIP DIVIDENDS.

SECTION 63. A railroad corporation shall not declare any stock or scrip dividend or divide the proceeds of the sale of stock or scrip among its stockholders; nor shall any such corporation issue any share of stock to any person unless the par value of the shares so issued is first paid in cash to its treasurer; nor shall it without authority of the general court increase its capital stock beyond the maximum amount fixed by its act of incorporation, or fixed under the provisions of section forty-six.

Stock or scrip dividends for-
bidden, when.
1868, § 10, § 1.
1871, § 889.
1874, § 372, § 177.
P. S. 105, § 18.
112, § 61.
1894, § 850, § 1.
R. L. 109, § 20.

SECTION 64. A certificate of stock or scrip issued in violation of the provisions of the preceding section shall be void; and each director of the corporation issuing it shall be liable to a penalty of one thousand dollars, to be recovered by indictment in the county in which he resides, or, if he resides in no county, in the county in which he is commorant, or the offence was committed; but if any such director proves, that, before such issue, he filed his dissent in writing thereto with the clerk, or was absent, and at no time voted therefor, he shall not be so liable.

Liability of
directors.
1868, § 10, § 2.
P. S. 105, § 19;
112, § 61.
1894, § 850, § 2.
R. L. 109, § 21.

ISSUE OF CAPITAL STOCK, BONDS, COUPON NOTES AND OTHER EVIDENCES OF INDEBTEDNESS.

SECTION 65. A railroad corporation shall issue only such amounts of stock and bonds, coupon notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, as the board of railroad commissioners may from time to time determine to be reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. Said board shall render a decision upon an application for such issue within thirty days after the final hearing thereon. Such decision shall be in writing, shall assign the reasons therefor, shall, if authorizing such issue, specify the respective amounts of stock or bonds, or of coupon notes or other evidences of indebtedness as aforesaid, which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied, shall, within seven days after it has been rendered, be filed in the office of said board. A certificate of the decision of said board shall, within three days after such decision has been rendered and before the stock or bonds or coupon notes or other

Issue of capital
stock, bonds,
coupon notes
and other evi-
dence of in-
debtedness.
1875, § 161.
P. S. 110, § 7.
1894, § 450, § 1;
452, § 1; 462, § 1.
1897, § 337, § 1.
R. L. 109, § 24.
[1 Op. A.-G.
659.]

evidences of indebtedness as aforesaid are issued, be filed in the office of the secretary of the commonwealth, and a duplicate thereof delivered to the corporation. Such corporation shall not apply the proceeds of such stock or bonds or coupon notes or other evidences of indebtedness as aforesaid to any purpose not specified in such certificate. The provisions of this section shall not require the approval of the board of railroad commissioners to the issue of capital stock or bonds, or of coupon notes or other evidences of indebtedness as aforesaid, authorized by law of this commonwealth, the proceeds of which are to be expended in another state or country, or which are to pay for borrowed money expended in another state or country.

Limit of issue
of bonds,
coupon notes
and other
evidences of
indebtedness.
1889, § 16, § 2.
1897, § 37, § 2.
R. L. 109, § 25.

SECTION 66. A railroad corporation, unless expressly authorized by its charter or by special law, shall not issue bonds, coupon notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof to an amount which, including the amount of all such securities previously issued and outstanding, exceeds in the whole the amount of its capital stock at the time actually paid in; but this limitation shall not apply to the issue of bonds for the purpose of paying and refunding at maturity bonds lawfully issued prior to the second day of June in the year eighteen hundred and ninety-seven; nor shall it apply to such of the bonds issued or to be issued under a mortgage as are deposited to retire at or before maturity bonds or other evidences of indebtedness previously issued and outstanding at the date of such mortgage, and as do not exceed the par value of the funded or other debt so to be retired; and such corporation shall not issue the securities specified in this section unless authorized by a vote of its stockholders at a meeting called for the purpose.

Enforcement
of statutes.
1894, § 50, § 3;
452, § 3; 462, § 3.
1896, 473.
R. L. 109, § 27.

SECTION 67. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of the board of railroad commissioners, of the attorney-general, of any stockholder or of any interested party, to enforce the provisions of the two preceding sections and all lawful orders and decisions, conditions or requirements of said board made in pursuance thereof.

Penalties.
1894, § 50, § 2;
452, § 2; 462, § 2.
R. L. 109, § 28.

SECTION 68. A director, treasurer or other officer or agent of a railroad corporation, who knowingly votes to authorize the issue of, or knowingly signs, certifies or issues, stock or bonds contrary to the provisions of sections

sixty-five and sixty-six, or who knowingly votes to authorize the application, or knowingly applies the proceeds, of such stock or bonds contrary to the provisions of said sections, or who knowingly votes to assume or incur, or knowingly assumes or incurs in the name or behalf of such corporation, any debt or liability except for the legitimate purposes of the corporation, shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 69. If a corporation which owns or operates a railroad increases its capital stock, such new shares as are necessary to produce the amount of increased capital stock which has been authorized shall, except as provided in the following section, be offered proportionately to its stockholders at such price not less than the market value thereof at the time of increase, as may be determined by the board of railroad commissioners, taking into account previous sales of stock of the corporation and other pertinent conditions, which determination shall be in writing and with the date thereof shall be certified to and recorded in the books of the corporation. The directors, upon the approval of such increase as provided in section sixty-five, and the determination of the market value as hereinbefore provided, shall cause written notice of such increase to be given to each stockholder of record upon the books of the corporation at the close of business on the date of such determination by said board, stating the amount of such increase, the number of shares or fractions of shares to which he, according to the proportionate number of his shares at the date of such determination, is entitled, the price at which he is entitled to take them, and fixing a time, not less than fifteen days after the date of such determination by said board, within which he may subscribe for such additional stock. Each stockholder may, within the time limited, subscribe for his portion of such stock, which shall be paid for in cash before the issue of a certificate therefor.

SECTION 70. If the increase in the capital stock which is subject to the provisions of the preceding section does not exceed four per cent of the existing capital stock of the corporation, the directors, without first offering the same to the stockholders, may sell them by auction to the highest bidder at not less than the par value thereof to be actually

New shares to be offered to stockholders upon increase of capital stock.
1870, 179.
1871, 392, \$ 1.
1873, 39, \$ 1;
305.
1878, 84, \$ 1.
1879, 90, \$ 1.
P. S. 106, \$ 39;
112, \$ 58; 113,
\$ 16.
1883, 315, \$ 1.
1884, 472, \$ 1.
R. L. 106, \$ 30.

Stock sold at auction.
1870, 179.
1871, 392, \$ 2.
1873, 39, \$ 1;
305; 353.
1874, 372, \$ 46.
1878, 84, \$ 2.
1879, 90.
P. S. 106, \$ 40;
112, \$ 59; 113,
\$ 16.

1868, § 15, § 2.
 1894, 472, §§ 1, 2.
 R. L. 109, § 81.

paid in cash. They may also so sell at public auction any shares, which, after the expiration of the time limited in the notice required by the preceding section, remain unsubscribed for by the stockholders entitled to take them. Such shares shall be offered for sale in the city of Boston, or in such other city or town as may be prescribed by the board of railroad commissioners; and notice of the time and place of such sale shall be published at least five times during the ten days immediately preceding the sale in each of at least three of such daily newspapers as may be prescribed by said board. No shares shall be sold or issued under this or the preceding section for a less amount to be actually paid in cash than the par value thereof.

LOCATION AND CONSTRUCTION OF RAILROAD.

Conditions Precedent.

Prerequisites
 to location of
 railroad.
 1852, 303, § 1.
 G. S. 63, § 7.
 1871, 593, §§ 1, 2.
 1878, 215, §§ 1, 2.
 1881, 111, §§ 2, 4.
 P. S. 112, §§ 85,
 86, 136.
 R. L. 111, § 88.

SECTION 71. A railroad corporation shall not locate or begin to construct its railroad or a branch or extension thereof, or enter upon and use land or other property, except for making surveys, until a sworn estimate of the total cost of constructing the same, prepared by its chief engineer, has been submitted to the board of railroad commissioners and approved by it; nor until said board is satisfied that an amount of the capital stock of the corporation equal to at least fifty per cent of such estimated cost has been actually subscribed by responsible parties without any condition which invalidates the subscription, and that twenty per cent of the par value of each share has been actually paid in; and that the authority and consent required by section eighty-two have been obtained; nor until the clerk of said board, upon its order, has filed a certificate with the secretary of the commonwealth that the provisions of this section have been complied with; nor until the corporation has paid to the secretary a fee of fifty dollars for filing such certificate. The supreme judicial court shall have jurisdiction in equity, if said board certifies a location before ascertaining that the authority and consent required by section eighty-two have been obtained. The certificate of a master in chancery or a justice of a court of record for the county in which a subscriber resides that he owns property in his own name equal in value, above all encumbrances, to the amount of his subscription shall be conclusive evidence of his re-

sponsibility. If said board refuses its approval to an estimate or a subscription list so submitted, it shall in writing state its reasons therefor in detail at the time and shall include them in its next annual report.

SECTION 72. No railroad or part thereof which is operated by steam power shall hereafter be located or constructed within three miles of the state house without the previous consent in writing of the board of railroad commissioners, and of the board of aldermen of any city or of the selectmen of any town in which the location is sought.

Location not to be within three miles of state house.
1882, 265, § 4.
R. L. 111, § 89.

Laying out Railroad.

SECTION 73. A railroad corporation may lay out its railroad not more than five rods wide; and for the purpose of cuttings or embankments or of procuring stone and gravel and for depot and station purposes may purchase or otherwise take, in the manner hereinafter provided, as much land as may be necessary for the proper construction and security of its railroad.

Location and construction.
R. S. 39, § 54.
1853, 351, § 1.
G. S. 63, § 17.
1874, 372, § 58.
P. S. 112, § 88.
R. L. 111, § 90.
9 Met. 553.
4 Cush. 71.
2 Gray, 574.
4 Gray, 301.

109 Mass. 527. 118 Mass. 391. 134 Mass. 14. 161 Mass. 387.
113 Mass. 277. 134 Mass. 393. 141 Mass. 481. 167 Mass. 399.

SECTION 74. The corporation shall, within one year after the filing of the certificate of the clerk of the board of railroad commissioners with the secretary of the commonwealth as provided in section seventy-one, file with the commissioners of each county through which the railroad passes the location of the railroad as laid out, defining the courses, distances and boundaries of such portion of it as lies within each county, certified by the clerk of said board, and in such form and with such other particulars as may be required by the rules of said board; and until such location has been filed, the corporation shall not enter upon or use any land or other property, except for making surveys. The supreme judicial court shall have jurisdiction in equity of any violation of the provisions of this section by any entry upon or use of lands.

Filing of the location.
R. S. 39, § 75.
G. S. 63, § 18.
1874, 372, § 58.
1878, 135, § 2.
1881, 111, §§ 3, 4.
P. S. 112, §§ 89, 136.
R. L. 111, § 91.
2 Gray, 580.
124 Mass. 118.
127 Mass. 572.
141 Mass. 481.
143 Mass. 9.
146 Mass. 194.

SECTION 75. The corporation may, within one year after it has purchased or acquired land for railroad purposes, file with the commissioners of each county in which such land is situated a location thereof, defining the courses, distances and boundaries of such land and certified by the clerk of the board of railroad commissioners in such form and with such other particulars as the rules of said board may require.

Location of purchased land.
1895, 336.
R. L. 111, § 92.

Direction of road may be varied.

1833, 187, § 7.
R. S. 39, § 73.
G. S. 63, § 38.
1874, 372, § 59.
P. S. 112, § 90.
R. L. 111, § 93.
1 Gray, 340.
109 Mass. 528.

SECTION 76. A railroad corporation, having taken land for its railroad, may vary the direction of said railroad in the city or town in which such land is situated; but it shall not locate any part thereof outside the limits of the route fixed under the provisions of sections twenty and twenty-one, without the consent in writing of the board of aldermen or selectmen, if it was fixed under the provisions of section twenty, or of the board of railroad commissioners, if it was fixed under the provisions of section twenty-one. The corporation shall, before the expiration of the time required for completing the railroad, file with the county commissioners the location of the different parts where such variations have been made; but the time for completing the railroad shall not be extended in consequence of such variations.

Improvement of alignment.
1887, 430.
R. L. 111, § 94.
161 Mass. 389.

SECTION 77. A railroad corporation, with the approval in writing of the board of railroad commissioners, obtained upon petition, and after notice to all persons interested, and a hearing, may, for the purpose of improving the alignment of its railroad, change its location, subject to the provisions of this act relative to the fixing of the route of railroads, the laying out of the same and the taking of land and the payment of damages therefor.

Limits of land outside limits of route, how fixed.

1835, 148, § 3.
R. S. 39, § 55.
1853, 351, § 1.
G. S. 63, § 19.
1874, 353, § 1;
372, § 60.
1878, 135, § 2.
P. S. 112, § 91.
1884, 134.
R. L. 111, § 95.
119 Mass. 516.
141 Mass. 481.
161 Mass. 387.

SECTION 78. If a railroad corporation, for the purpose of making or securing its railroad or for depot or station purposes, requires land or materials outside the limits of the route fixed, or requires additional land for one or more new tracks adjacent to other land occupied by such corporation by a track or tracks already in use, and is unable to obtain it by agreement with the owner, it may apply to the county commissioners, who, after notice to the owner, and a hearing, may prescribe the limits within which it may be taken without his permission in the manner hereinafter provided; and the corporation shall, within one year after the decree, file with the commissioners of each county in which the land is situated, a location thereof, certified by the clerk of the board of railroad commissioners, defining the courses, distances and boundaries thereof, in such form and with such other particulars as the rules of said board may require. If highways, buildings, parks or cemeteries are to be taken, the consent of the city or town in which the land is to be taken shall first be obtained; but nothing herein contained shall be construed as authorizing such taking, or altering the manner thereof,

if said taking is otherwise prohibited or provided for by law.

SECTION 79. Land outside the limits of the route fixed as aforesaid, which is taken or purchased for railroad, depot or station purposes shall not be exempt from taxation.

Land outside limit taxable.
1853, § 3.
G. S. 63, § 20.
1874, § 62.

P. S. 112, § 92. 1895, § 56. R. L. 111, § 96.
4 Met. 564. 8 Cush. 287. 185 Mass. 114. 186 Mass. 128.

SECTION 80. No length of possession or occupancy of land which belongs to a railroad corporation by an owner or occupier of adjoining land, shall create in him or in a person who claims under him a right to such land of the corporation.

No prescriptive right in land of corporation.
1861, 100.
1874, § 72, § 107.
P. S. 112, § 215.

R. L. 111, § 271. 146 Mass. 268. 161 Mass. 288.

SECTION 81. The board of railroad commissioners shall, from time to time, prescribe rules relative to the form in which all records of locations of railroads shall be made, the particulars to be contained therein and the manner in which such records shall be uniformly kept for preservation and convenient reference in the offices of the clerks of the several counties. No such record shall be filed until the clerk of said board certifies thereon that it has been prepared in conformity with the rules of said board.

Rules as to form, etc., of records, etc.
1878, § 2.
P. S. 112, § 98.
R. L. 111, § 97.

Taking Land and Damages therefor.

SECTION 82. No railroad corporation shall take, by purchase or otherwise, or enter upon or use, except for making surveys, any land or other property for the construction of its railroad or of any branch or extension thereof until the county commissioners of the county in which such land or other property is situated, after hearing the parties, have determined the manner in which the railroad shall cross the highways and other ways within such county, nor until it has obtained from the board of railroad commissioners the consent required by sections one hundred and seven and one hundred and eleven in all cases in which the county commissioners adjudge that public necessity requires the crossing at the same level; and notice of such hearing shall be given by publication for three successive weeks in one or more newspapers published in such county, the last publication to be at least seven days before the hearing. The supreme judicial court shall have jurisdiction in equity of violations of the provisions of this section.

Prerequisites for taking land.
1881, 111, §§ 1, 4.
P. S. 112, §§ 94, 126.
R. L. 111, § 98.

Taking land, and damages therefor.

1833, 187, § 1.
 1834, 137, § 1.
 1835, 148, § 3.
 R. S. 39, §§ 55, 56, 63, 76.
 1840, 153.
 1853, 351, § 1.
 1854, 448, § 33.
 G. S. 68, §§ 19, 21, 86, 39.
 1874, 372, § 63.
 P. S. 112, § 96.
 R. L. 111, § 99.
 23 Pick. 376.
 3 Met. 380.
 3 Cush. 107.
 4 Cush. 291, 467.
 10 Cush. 385.
 11 Cush. 506.

Limitation of applications.

1833, 187, § 1.
 R. S. 39, § 58.
 G. S. 68, § 29.
 1864, 298.
 1868, 56.
 1874, 372, § 64.
 P. S. 112, § 96.

Securities for damages and costs.

1833, 187, § 3.
 1835, 148, § 1.
 R. S. 39, § 61.
 1855, 9, § 1.
 G. S. 68, § 32.
 1874, 372, § 63.
 P. S. 112, § 97.
 R. L. 111, § 101.
 127 Mass. 50.
 158 Mass. 535.

Tender to owner.

1833, 187, § 4.
 R. S. 39, § 62.
 G. S. 68, § 35.
 1874, 372, § 66.
 P. S. 112, § 98.

Application for a jury.

1833, 187, § 1.
 1834, 173.
 R. S. 39, §§ 57, 64.
 1841, 125, § 3.
 1847, 181, § 1.
 G. S. 68, §§ 22, 37.
 1873, 261.
 1874, 372, § 67.
 P. S. 112, § 99.

SECTION 83. If a railroad corporation is not able to obtain by agreement with the owner the land or materials necessary for its purposes as described in sections seventy-three, seventy-four, seventy-six and seventy-eight, it may take the same. It shall pay all damages caused by laying out, making and maintaining its railroad, or by taking land or materials therefor; and such damages, upon the application of either party, shall be estimated by the county commissioners in the manner provided with reference to the laying out of highways; and if it is intended to take land or materials, application may be made before the actual taking and appropriation thereof.

12 Cush. 324, 606.	14 Allen, 57.	113 Mass. 52, 277.	141 Mass. 174.
2 Gray, 1.	103 Mass. 1, 10.	121 Mass. 124.	144 Mass. 129.
4 Gray, 301.	105 Mass. 303.	124 Mass. 118.	152 Mass. 506.
14 Gray, 563.	107 Mass. 353.	125 Mass. 1.	178 Mass. 78.
7 Allen, 313.	109 Mass. 527.	127 Mass. 571.	182 Mass. 351.

SECTION 84. No application to the county commissioners to estimate damages for land or other property taken shall, except as is provided in sections ninety-eight to one hundred, inclusive, be sustained, unless it is made within three years after the filing of the location.

R. L. 111, § 100.

7 Met. 78.

7 Gray, 389, 450.

SECTION 85. Upon application to the county commissioners by either party for an estimate of damages, they shall, if requested by the owner, require the corporation to give security to their satisfaction for the payment of all damages and costs which may be awarded by them or by a jury for the land or other property taken; and if, upon petition of the owner and notice to the adverse party, any security taken appears to them to have become insufficient, they shall require the corporation to give further security to their satisfaction.

SECTION 86. After the county commissioners have made their estimate, the corporation may tender to the owner of the land or other property the amount of damages estimated, in full satisfaction thereof, with costs.

R. L. 111, § 102.

SECTION 87. Either party, if dissatisfied with the estimate of the county commissioners, may, at any time within one year after it has been completed and returned, apply for a jury to assess the damages. If no such application is made, the commissioners, after the expiration of said year, may issue a warrant of distress to compel the payment of the damages, with interest and costs.

R. L. 111, § 103.	1 Gray, 72.	125 Mass. 483.	139 Mass. 173.
21 Pick. 258.	119 Mass. 485.	128 Mass. 347.	

SECTION 88. When either party applies for a jury to assess the damages, the proceedings shall be the same as are provided for the recovery of damages in the laying out of highways; but upon such application, the prevailing party shall recover costs. If the owner has refused the tender specified in section eighty-six, he shall pay all costs caused by the application and arising after the tender, unless, upon the final hearing, he recovers a greater amount of damages than the amount tendered. If the corporation applied for the jury, and upon the final hearing the damages estimated by the county commissioners are not reduced, it shall pay all costs caused by the application.

Proceedings.
1883, 187, §§ 1, 4.
R. S. 80, §§ 56,
62.
1896, 278, § 2.
1841, 125, § 3.
1849, 153.
G. S. 63, §§ 21,
35.
1874, 372, § 68.
P. S. 112, § 100.
R. L. 111, § 104.
13 Met. 316.
8 Cush. 25.
8 Cush. 218.
102 Mass. 116.
135 Mass. 570.
189 Mass. 213.

SECTION 89. If the corporation does not pay the amount of damages awarded by the jury within thirty days after such award, a warrant of distress or execution may issue to compel the payment thereof with costs and interest.

Damages,
when payable.
1847, 259, § 3.
1865, 9, § 2.
G. S. 63, § 83.
1874, 372, § 69.
P. S. 112, § 101.

R. L. 111, § 105.

127 Mass. 50.

SECTION 90. After a railroad corporation has taken land or other property in the manner hereinbefore authorized, it shall, before constructing the railroad, furnish a plan of the land to the owner, and, upon request of the owner or occupant, shall fence it, and, upon demand made by the owner of such other property within three years after the taking thereof, shall, within thirty days, furnish him with a plan or description thereof in writing.

Plan of land
to owner.
Fencing.
1883, 187, § 2.
R. S. 80, § 60.
1848, 327, § 2.
G. S. 63, § 45.
1874, 372, § 70.
P. S. 112, § 102.
R. L. 111, § 106.
145 Mass. 450.
146 Mass. 194.

SECTION 91. All the right and authority of a railroad corporation to enter upon and use land or property taken by it, except for making surveys, shall be suspended until it gives the security required by section eighty-five; or, if for thirty days after a warrant has issued under the provisions of section eighty-seven, it neglects to pay the same, until payment thereof; or until it satisfies a warrant or execution issued under the provisions of section eighty-nine; or until it delivers a description or plan as prescribed by section ninety; and during the time in which its right to enter upon or use land or other property is so suspended, the supreme judicial court, upon petition of an owner of the land or other property, shall have jurisdiction in equity to prohibit and restrain the corporation from entering upon or using such land or property.

Right to use
of land sus-
pended, when.
1883, 187, §§ 2,
3.
R. S. 80, §§ 60,
61.
1854, 2.
1865, 9, §§ 1-3.
G. S. 63, §§ 32-
34, 45.
1874, 372, §§ 65,
67, 69, 70, 72.
P. S. 112, §§ 97,
99, 101, 102, 104.
R. L. 111, § 107.
127 Mass. 50.

SECTION 92. An owner of land who is aggrieved by the location of a railroad crossing his land in such manner as to be of grievous damage, which could be avoided without serious injury to others, may, within thirty days after re-

Change of
location by
county com-
missioners,
when.
1872, 58, § 13;
180, § 3.

1874, 372, § 71.
P. S. 112, § 103.
R. L. 111, § 108.

ceiving the plan of his land, as provided in section ninety, petition the commissioners of the county in which the land lies, who shall give notice and hear the parties, either at their regular meeting or at a meeting called by their chairman for the purpose. If it appears that such location will greatly and unnecessarily damage the petitioner, and that it can so be changed as entirely or partly to avoid such damage without material detriment to the line of the railroad and without great injury to other parties, the commissioners shall change such location accordingly. They shall give to each party a certificate of their determination within sixty days after receiving the petition. The compensation of the commissioners, not exceeding five dollars each a day and their necessary expenses, which shall be retained to their own use, and the costs of the petition, shall be paid by the corporation; but if the commissioners decide that the petition was frivolous, such compensation, expenses and costs shall be paid by the petitioner.

Jurisdiction of
commissioners
over land in
contiguous
counties.
1853, 5, §§ 1, 2.
G. S. 63, § 23.
1874, 372, § 73.
P. S. 112, § 105.
R. L. 111, § 109.

SECTION 93. If land which is owned by one person lies contiguously in different counties, an application for damages under the provisions of section eighty-three may be made by the owner of the land to the commissioners of any of such counties; and the commissioners of the county to whom application is first made shall have exclusive jurisdiction, with like powers and duties as are set forth in said section and in section one hundred and one; and either party may apply for a jury as provided in section eighty-seven, and such jury shall be from the same county as the commissioners, and shall estimate such damages as though the land lay entirely in one county.

Guardian or
trustee may re-
lease damages.
R. S. 39, § 93.
G. S. 63, § 24.
1874, 372, § 74.
P. S. 112, § 106.
R. L. 111, § 110.

SECTION 94. If land or other property of a person who is under guardianship, or if land which is held in trust, is taken for the use of a railroad, the guardian or trustee may release all damages, in like manner as if the land or other property were held in his own right.

Assessment of
damages for
different in-
terests.
1851, 290, §§ 1, 2.
G. S. 63, § 25.
1874, 372, § 75.
1875, 117, §§ 1, 4.
P. S. 112, § 107.
R. L. 111, § 111.

SECTION 95. If a tenant for life or for years and the remainderman or reversioner claim damages for the laying out or alteration of a railroad, or if it appears that the real estate taken or affected is encumbered by a contingent remainder, executory devise or power of appointment, the damages shall be assessed and paid over and disposed of in the manner provided in sections seventeen, eighteen, nineteen and twenty-six of chapter forty-eight of the Re-

vised Laws relative to damages assessed in like cases in laying out highways.

SECTION 96. If the land is mortgaged, both the mortgagor and the mortgagee, in addition to their rights under the mortgage, shall have the same powers, rights and privileges, and be subject to the same liabilities and duties, as are provided in this act for land owners in cases of damages arising under the provisions of section eighty-three; and all petitions for the estimation of such damages shall state all mortgages which are known by the petitioner to exist upon the premises. Mortgagors and mortgagees may join in any such petition, and the tribunal to which it is presented shall order the petitioner to give notice thereof to all such mortgagors or mortgagees, by serving on each of them, fourteen days at least before the time of hearing, an attested copy thereof and of the order thereon, that they may become parties to the proceedings.

Assessment of damages when lands are mortgaged.
1855, 247, §§ 1, 4, 5.
G. S. 63, § 26.
1874, 372, § 76.
P. S. 112, § 108.
R. L. 111, § 112.
5 Gray, 470.
128 Mass. 4.
178 Mass. 76.

SECTION 97. If mortgagors or mortgagees begin or become parties to such proceedings, entire damages shall, upon final judgment, be assessed for the property taken, and such portion thereof as is equal to the amount then unpaid thereon shall be ordered to be paid to every mortgagee who is a party in the order of his mortgage, and the remainder to the mortgagor; and separate judgment shall be entered accordingly for each mortgagee, who shall hold his judgment in trust, first, with any proceeds realized thereon, to satisfy his mortgage debt, and, after such debt is in any way satisfied, to assign the judgment or pay over any remainder of proceeds to the mortgagor or other person entitled thereto.

Apportionment of damages.
1855, 247, §§ 1-3.
G. S. 63, § 27.
1874, 372, § 77.
P. S. 112, § 109.
R. L. 111, § 113.
5 Gray, 470.

SECTION 98. If the time for locating or constructing a railroad shall be extended by statute, all unsettled claims against the corporation for damages to land shall be revived, and the claimants for such damages may apply to the county commissioners, or for a jury, if the estimate of the commissioners has been completed and returned, within one year after the passage of such statute. The provisions of this section shall not include cases in which, by reason of a defect in the original location of a railroad already constructed, a new location is rendered necessary.

Extension of time for location to revive claims.
1882, 103.
1874, 372, § 78.
P. S. 112, § 110.
R. L. 111, § 114.

SECTION 99. If a suit is brought in which the right of the corporation to lay out and construct its railroad on a particular location is drawn in question, an application to

Application for damages within one year after decision as to

validity of location.
1835, 148, § 7.
R. S. 30, § 59.
G. S. 63, § 30.
1874, 372, § 79.
P. S. 112, § 111.
R. L. 111, § 113.
7 Gray, 450.
137 Mass. 478.

the county commissioners for the estimation of damages caused by the taking of land or property within such location may be made within one year after the final determination of such suit upon the merits, if such suit is brought within one year after the time of such taking, or is brought for the purpose of trying the same right which was drawn in question in an earlier suit which was begun within one year after the time of taking and which failed for want of jurisdiction, defect of form or other like cause which was not decisive of the merits of the controversy, and is brought within six months after the determination of such former suit.

New application if proceedings are quashed.
1847, 181, § 2.
G. S. 63, § 81.
1874, 372, § 80.
P. S. 112, § 112.
R. L. 111, § 118.
125 Mass. 484.

SECTION 100. If a person applies for an estimate of his damages within the time limited by law, or applies for a jury to assess the damages, or is a party to such application by another person for a jury, and the petition or other proceeding is quashed, abated or otherwise avoided or defeated for any inaccuracy, irregularity or matter of form, or if, after verdict for such applicant or other party, the judgment is arrested or reversed on a writ of error, or the proceedings are quashed on certiorari, such applicant, petitioner or other party may begin such proceedings anew at any time within one year after such abatement, reversal or other determination.

Embankments, Fences, etc.

Construction, etc., of embankments may be ordered.
1841, 125, §§ 1, 3.
G. S. 63, § 40.
1874, 372, § 81.
P. S. 112, § 113.
R. L. 111, § 118.
154 Mass. 314.

SECTION 101. At the time of estimating damages to land owners under the provisions of section eighty-three, the county commissioners shall in addition thereto order the corporation to construct and maintain such embankments, culverts, walls, fences or other structures as they judge reasonable for the security and benefit of such owners, and shall prescribe the time and manner of making or repairing them, and it shall not be competent for a jury to reverse such order.

Enforcement of order.
1841, 125, § 2.
G. S. 63, § 41.
1874, 372, § 82.
P. S. 112, § 114.
R. L. 111, § 119.
6 Cush. 420.
1 Gray, 614.

SECTION 102. If the corporation neglects to comply with such order, the supreme judicial court, upon application of the land owner who is interested in its execution, or his assigns, shall have jurisdiction in equity to enforce the specific performance thereof. Or if the corporation, for more than forty-eight hours after notice of such neglect, given in writing to the president or superintendent,

fails to begin the work required to be done, or thereafter unreasonably delays to complete it, the person so interested may, in an action of tort against the corporation, recover double the damages sustained by him by reason of the neglect.

SECTION 103. Every railroad corporation shall erect and maintain suitable fences, with convenient bars, gates or openings therein, upon both sides of the entire length of its railroad, except at the crossings of a public way or in places where the convenient use of the railroad would be thereby obstructed, and except at places where, and so long as, it is specially exempted from the duty of so doing by the board of railroad commissioners. Such an exemption granted prior to the first day of August in the year eighteen hundred and eighty-two shall not be revoked except upon new proceedings had under the provisions of this section, notice of which shall be given to the corporation, and published once in each of three successive weeks in a newspaper published in each county in which the land is situated. The corporation shall also construct and maintain sufficient barriers, where it is necessary and practicable so to do, to prevent the entrance of cattle upon the railroad. A corporation which unreasonably neglects to comply with the provisions of this and the following section shall, for every such neglect, forfeit not more than two hundred dollars for every month during which the neglect continues; and the supreme judicial court shall have jurisdiction in equity to compel the corporation to comply with such provisions, and, upon such neglect, to restrain and prohibit it from crossing a highway or town way, or from using any land, until such provisions shall have been complied with.

SECTION 104. If a person other than the railroad corporation is required by law or contract to erect or maintain fences along a part of the line of the railroad, the corporation shall erect such fences or keep them in repair as provided in the preceding section, and may recover the reasonable cost thereof in an action of contract from such person. If he is an owner of land adjoining such line, the corporation shall also have a lien upon said land for labor performed and furnished and all materials furnished and used by it in erecting and repairing such fences upon such land, and for the costs which may arise in enforcing it;

Fences.
1846, 271, §§ 3, 4.
1855, 350, § 5.
G. S. 63, §§ 43,
44.
1874, 372, § 84.
1879, 205, § 1.
P. S. 112, § 115.
1882, 162.
R. L. 111, § 120.
10 Cush. 12.
12 Cush. 605.
1 Allen, 16.
96 Mass. 560.
102 Mass. 368.
105 Mass. 198.
107 Mass. 411.
108 Mass. 189.
115 Mass. 458,
564.
121 Mass. 118.
132 Mass. 24.
140 Mass. 240.
157 Mass. 297.
181 Mass. 322.

Cost of fencing, how recovered from person liable.
1879, 205, § 2.
P. S. 112, § 116.
R. L. 111, § 121.
132 Mass. 24.

and it shall be enforced in the manner provided for enforcing liens in chapter one hundred and ninety-seven of the Revised Laws.

Crossings.

Separation of
grade cross-
ings by agree-
ment.
1881, 120.
P. S. 112, § 117.
R. L. 111, § 122.

SECTION 105. If two or more railroad corporations whose tracks cross each other at the same level agree to separate the grades, they may apply to the board of railroad commissioners, which shall thereupon determine when, in what manner and by which corporation said work and each portion thereof shall be done, and shall apportion all charges and expenses caused by making such alterations and all future charges for keeping the necessary structures connected therewith in repair among said corporations. For said purposes, the corporations may, under the direction of said board, make all necessary changes in the location, grade and construction of said railroads, and, so far as may be necessary, may take additional land therefor, and may raise, lower or otherwise change any and all highways and town ways; and in the exercise of said powers said corporations, and any person who sustains damage thereby, shall have all the rights, privileges and remedies, and be subject to all the duties, liabilities and restrictions provided by law in the case of land taken by railroad corporations. The supreme judicial court shall have jurisdiction in equity to enforce compliance with all such orders of said board.

Crossings of
one railroad
with another,
or over navi-
gable waters.
1872, 53, § 12;
180, § 3.
1873, 121, § 4.
1874, 122; 372,
§ 85.
1881, 156.
P. S. 112, § 118.
R. L. 111, § 123.
125 Mass. 255.

SECTION 106. A railroad shall not be constructed across another railroad at the same level without the consent in writing of the board of railroad commissioners, nor across navigable or tide waters without the consent in writing of the board of harbor and land commissioners, and in such manner as said boards, respectively, shall prescribe, nor across any portion of the deep channel of Boston harbor below the bridges existing on the thirtieth day of March in the year eighteen hundred and eighty-one, without special legislative authority. Any littoral proprietor whose access to the sea is obstructed or interrupted by the location and construction, after said day, of any railroad across tide water, otherwise than by a bridge with a suitable draw, may recover of the corporation whose railroad is so located all damages caused by such location and construction, in the same manner and with the same rights as to security as are provided by law in relation to

damages caused by laying out and maintaining railroads; but this provision as to damages shall not apply to any railroad constructed under the provisions of chapter two hundred and fifty-two of the acts of the year eighteen hundred and eighty. Associates for the purpose of constructing a railroad under the provisions of section thirteen, or a corporation which proceeds to construct its railroad or branch or extension thereof, shall not take proceedings which involve a new crossing of one railroad by another at the same level, unless such crossing is first approved in writing by the board of railroad commissioners; and every preliminary approval of a plan for such crossing shall be subject to revision by said board. The supreme judicial court shall have jurisdiction in equity, upon information filed by the attorney-general, of violations of the provisions of this section.

SECTION 107. A railroad which is laid out across a public way shall be so constructed as not to obstruct the same; and, unless the county commissioners and the board of railroad commissioners authorize a crossing at the same level as provided in section one hundred and eleven, it shall be constructed so as to pass either over or under the way, as prescribed in the following section, and conformably to any decree which may be made by the county commissioners under the provisions of section one hundred and nine.

Railroad crossing a highway not to obstruct the same.
R. S. 39, § 66.
1846, 271, § 1.
G. S. 63, §§ 46, 47.
1874, 372, § 86.
1876, 78.
P. S. 112, § 119.
R. L. 111, § 124.
14 Gray, 379.
14 Allen, 444.

SECTION 108. If the railroad is constructed to pass over the way, a sufficient space shall be left under the railroad conveniently to accommodate the travel on the way. If the railroad is constructed to pass under the way, the railroad corporation shall build such bridges, with their abutments and suitable approaches thereto, as will accommodate the travel upon the way; but no bridge for any purpose shall be constructed over a railroad at a height less than eighteen feet above the track of such railroad, except by the consent in writing of the board of railroad commissioners. The supreme judicial court shall have jurisdiction in equity to enforce compliance with the provisions of this section.

Space under bridge regulated.
1846, 271, § 1.
G. S. 63, § 47.
1874, 372, § 87.
1875, 219.
P. S. 112, § 120.
R. L. 111, § 125.
130 Mass. 361.
176 Mass. 145.

SECTION 109. A railroad corporation may raise or lower a public way for the purpose of having its railroad pass over or under the same; but before proceeding to cross or to alter or excavate for the purpose of crossing the way, it shall obtain from the county commissioners a

Highway may be raised or lowered under direction of county commissioners.
1883, 187 § 5.
R. S. 39, § 67.

1855, 350, § 1.
 G. S. 63, § 48.
 1874, 372, § 88.
 P. S. 112, § 121.
 R. L. 111, § 126.
 23 Pick. 326.
 9 Cush. 1.
 1 Allen, 329.
 14 Allen, 444.
 113 Mass. 52.
 134 Mass. 549.

decree prescribing what alterations may be made in the way, and what structures erected at the crossing; and the manner and time of making or erecting the same; and before entering upon, excavating or altering the way, it shall give to the city or town in which the crossing is situated security, satisfactory to the commissioners, that it will faithfully comply with the requirements of the decree to their acceptance, and will indemnify the city or town against all damages and charges by reason of a failure so to do.

Course of highway may be altered.

1833, 187, § 6.
 R. S. 39, § 70.
 1849, 159.
 G. S. 63, § 55.
 1874, 372, § 89.
 P. S. 112, § 122.
 R. L. 111, § 127.
 14 Allen, 444.

SECTION 110. A railroad corporation may alter the course of a public way for the purpose of facilitating the crossing thereof by its railroad or of permitting its railroad to pass at the side thereof without crossing, if, after notice to the city or town in which the way is situated, and a hearing, the county commissioners decide that such alteration will not essentially injure the way, and make a decree prescribing the time and manner of such alteration. The corporation shall pay all damages caused to private property by the alteration, as in case of land taken for its railroad.

Crossing highway at a level.

1864, 152, §§ 2, 5, 6.
 1865, 230, § 1.
 1874, 372, § 90.
 1876, 73.
 P. S. 112, § 123.
 R. L. 111, § 128.
 173 Mass. 195.

SECTION 111. If a railroad is laid out across a public way, the county commissioners, upon the application of the railroad corporation, or of the board of aldermen of the city or selectmen of the town in which the crossing is situated, after notice to all persons interested and a hearing, may adjudge that public necessity requires the crossing at the same level, and may, if the board of railroad commissioners also consents in writing to such crossing at the same level, make a decree specially to authorize and require the corporation so to construct its railroad, in such manner as shall be prescribed in the decree, and said commissioners may modify the terms of such decree or may revoke it at any time before the construction of the railroad at such crossing.

Rails to be protected at highway crossing.

1857, 287, § 6.
 G. S. 63, § 60.
 1874, 372, § 91.
 P. S. 112, § 124.
 R. L. 111, § 129.
 140 Mass. 84.
 147 Mass. 505.
 164 Mass. 393.
 173 Mass. 195.

SECTION 112. A railroad corporation whose railroad is crossed by a public way at the same level shall, at its own expense, so guard or protect its rails by plank, timber or otherwise as to secure a safe and easy passage across its railroad; and if, in the opinion of the county commissioners, any subsequent alteration of the highway or other way or additional safeguards are required at the crossing, they may make a decree ordering the corporation to establish the same as provided in section one hundred and nine.

SECTION 113. A public way may be laid out across a railroad previously constructed, if the county commissioners adjudge that the public necessity and convenience so require; and in such case, after notice to the railroad corporation and a hearing of all parties interested, they may thus lay out or may authorize a city or town, upon petition of the board of aldermen or selectmen thereof, to lay out a way across a railroad, in such manner as not to injure or obstruct the railroad, and otherwise in conformity with the provisions of sections one hundred and seven and one hundred and eight; but they shall not permit it to cross at a level with the railroad unless public necessity so requires, and the board of railroad commissioners consents thereto in writing, in which case the county commissioners may give special authority for such crossing as provided in section one hundred and eleven.

When high-ways may be laid out across a railroad.
R. S. 39, § 69.
1867, 287, §§ 1-5.
G. S. 63, §§ 57-59.
1874, 872, § 92.
1876, 78.
P. S. 112, § 125.
R. L. 111, § 130.
11 Gray, 512.
1 Allen, 824.
7 Allen, 528.
140 Mass. 87.
147 Mass. 455.
159 Mass. 238.
178 Mass. 13.
178 Mass. 185.
185 Mass. 186.
188 Mass. 234.

SECTION 114. A railroad corporation may, with the consent of a canal corporation, alter the course of a canal or of a feeder to a canal, which interferes with the convenient location of its railroad. Damages caused by taking property therefor shall be estimated and paid as in case of land taken under the provisions of section eighty-three.

Alterations of canals.
1867, 226, §§ 1, 4.
G. S. 63, § 56.
1874, 872, § 93.
P. S. 112, § 126.
R. L. 111, § 131.

SECTION 115. If, upon application to the county commissioners by the board of aldermen of a city or selectmen of a town, and after notice to the corporation which owns or operates a railroad, and a hearing, it appears that the railroad so crosses a public way as to obstruct it, contrary to the provisions of section one hundred and seven, or of a decree made under the provisions of section one hundred and nine, or that the corporation refuses or neglects to keep a bridge or other structure which is required or necessary at such crossing in proper repair, the county commissioners may make a decree prescribing what repairs shall be made by the corporation at the crossing, and the time within which they shall be made, and shall make a decree ordering the corporation to pay the costs of the application. They may further order the corporation to give security, as provided in section one hundred and nine, for the faithful performance of the requirements of the decree and for the indemnity of said city or town upon a failure in such performance.

Obstructions and repairs at crossings.
1865, 350, § 2.
G. S. 63, § 49.
1874, 872, § 94.
P. S. 112, § 127.
R. L. 111, § 132.

SECTION 116. Every railroad corporation shall, except as provided in sections twenty-nine to forty-five, inclusive,

Repairs of bridges, etc.
R. S. 39, § 72.

1846, 271, § 1.
 1851, 88.
 1855, 350, § 4.
 G. S. 63, §§ 61,
 67, 69.
 1872, 262, § 6.
 1874, 872, § 65.
 P. S. 112, § 128.
 R. L. 111, § 133.
 7 Cush. 460.
 12 Allen, 254.
 97 Mass. 430.
 131 Mass. 516.
 138 Mass. 454.
 139 Mass. 528.
 150 Mass. 289.
 188 Mass. 234.

County com-
 missioners to
 have jurisdic-
 tion of ob-
 structions.
 1849, 222, § 4.
 G. S. 63, § 62.
 1874, 872, § 102.

—orders of,
 how enforced.
 1849, 222, § 5.
 1855, 350, § 3.
 G. S. 63, §§ 50,
 63.
 1874, 872, § 103.
 1881, 111, § 4.
 P. S. 112, § 136.
 R. L. 111, § 141.
 7 Cush. 506.
 174 Mass. 379.

Crossing a
 private way.
 1833, 187, § 5.
 R. S. 39, § 71.
 G. S. 63, § 28.
 1874, 362, 372,
 § 104.

of Part I, at its own expense, construct, maintain and keep in repair all bridges, with their approaches and abutments, which it is authorized or required to construct over or under a canal or public way; and a city or town may recover of the railroad corporation whose railroad crosses a public way therein all damages, charges and expenses incurred by such city or town by reason of the neglect or refusal of the corporation to erect or keep in repair all structures required or necessary at such crossing; but if, after the laying out and building of a railroad, the county commissioners authorize a public way to be laid out across the railroad, all expenses of and incident to constructing and maintaining the way at such crossing shall be borne by the county, city, town or other owner of the same, unless otherwise determined by an award of a special commission, under proceedings in accordance with the provisions of the five following sections.

SECTION 117. County commissioners shall have original jurisdiction of questions relative to obstructions to highways or town ways which are caused by the construction or operation of railroads.

P. S. 112, § 135. R. L. 111, § 140.
 4 Cush. 63. 2 Gray, 54. 14 Gray, 98. 141 Mass. 17. 155 Mass. 16.

SECTION 118. The supreme judicial court shall have jurisdiction in equity to compel a railroad corporation to raise or lower a public way which the county commissioners have decided is necessary for the security of the public to be raised or lowered, and to compel it to comply with the orders of county commissioners relative to obstructions of such ways by it; and if, upon the petition of the board of aldermen of a city or selectmen of a town, it appears that such corporation has excavated or altered a public way without obtaining the decree and giving the security required by section one hundred and nine, or has neglected for fifteen days to give security as required by section one hundred and fifteen, said court may enjoin it from entering upon, altering, excavating or crossing the way until such decree has been obtained or such security given.

SECTION 119. An application for damages which have been sustained by the owner of a private way, by reason of a railroad crossing the same, shall be made within three years after the time when the way was so obstructed.

P. S. 112, § 137.

R. L. 111, § 142.

103 Mass. 1.

SECTION 120. If a railroad which has been lawfully laid out through land without the consent of the owner thereof separates a portion of such land from another or from a public way, and the owner, having a right to cross the railroad, cannot agree with the corporation as to the place or manner in which he shall cross, or if a crossing is inconvenient, either party, in a case which does not involve the abolition of a crossing at grade, may apply to the county commissioners, who, after taking a recognizance from the applicant to the county, with sureties to their satisfaction, for the payment of costs and expenses according to their order, and after notice to the other party and a hearing, may make an order relative to such crossing and to the costs of the application; but they shall not order the corporation to construct or maintain a crossing without its consent, unless it is liable by law or by agreement to construct a crossing for the owner of the land, or is the applicant.

Severance of private land by crossing.
1857, 213, §§ 1-4.
G. S. 63, §§ 64-66.
1874, 372, § 106.
P. S. 112, § 138.
1897, 264.
R. L. 111, § 143.
14 Allen, 444.
103 Mass. 1.

SECTION 121. If by the laying out of a railroad, or the widening thereof, a person is cut off from access to land owned by him, and has neither received compensation nor made an agreement with the corporation relative thereto, the board of railroad commissioners, after notice to the parties and a hearing, may make a decree ordering a crossing to be made and maintained at the expense of the railroad corporation, specifying definitely the character thereof and when it may be used. If the railroad corporation neglects for ninety days after the date of such order to comply therewith, it shall forfeit five dollars for every day thereafter during which such neglect continues, which shall be recovered by the person aggrieved. The amount recovered shall be equally divided between the plaintiff and the county within which the crossing was ordered to be maintained.

Access to land cut off by railroad.
1892, 171.
R. L. 111, § 144.
162 Mass. 81.
165 Mass. 514.

SECTION 122. A party who is aggrieved by a decision or order of the county commissioners in any matter or proceeding arising under the provisions of section twenty-three of Part I, or of section one hundred and twenty of Part II, or by their unreasonable refusal or neglect to announce a decision in any such matter or proceeding for sixty days after the first day fixed for a hearing thereon, may appeal to the board of railroad commissioners by filing a notice of appeal with the county commissioners within

Appeal from county commissioners.
1882, 185, §§ 1-3.
R. L. 111, § 145.
141 Mass. 208.

ten days after the decision or order appealed from, or in case of a refusal or neglect to announce a decision, within ten days after the expiration of sixty days from the first day fixed for a hearing thereon. The proceedings before the county commissioners in which the appeal is taken shall thereupon be stayed.

Appeal from
proceedings
thereon.
1882, 135, §§ 4, 5.
E. L. 111, § 146.

SECTION 123. The appellant, to perfect the appeal, shall, within twenty days after filing the notice thereof, file with the clerk of the board of railroad commissioners a petition stating the reasons for the appeal, and shall, within ten days after filing the petition, cause a certified copy thereof to be served upon the county commissioners. An appeal may be waived at any time before a hearing thereon by agreement of the parties in writing, filed with the county commissioners and said board. If the appellant fails to perfect the appeal, or if the appeal is waived, the matter may proceed before the county commissioners as if no appeal had been taken.

Hearing of
appeals;
powers of
board.
1882, 135, §§ 6, 7.
E. L. 111, § 147.

SECTION 124. The board of railroad commissioners shall hear the appeal authorized by section one hundred and twenty-two in the county in which it is taken, unless the parties in writing otherwise agree. Upon such appeal, said board shall have the same powers and perform the same duties as county commissioners in like matters and proceedings, and shall be governed by the provisions of law relative to hearings and determinations by, and decisions and orders of, the county commissioners in such matters and proceedings.

Right of
crossing not
acquired by
prescription.
1882, 275.
E. L. 111, § 148.
135 Mass. 107.
141 Mass. 407.
142 Mass. 21.
144 Mass. 336.
145 Mass. 433.
176 Mass. 359.

SECTION 125. No right of way across any railroad track or location which is in use for railroad purposes shall be acquired by prescription. The provisions of this section shall not apply to rights of way which existed on the fifth day of June in the year eighteen hundred and ninety-two.

BRANCHES AND EXTENSIONS.

Branches and
extensions.
1874, 351, §§ 1, 3,
5; 372, §§ 81, 82.
1875, 110.
1878, 215, § 4.
P. S. 112, §§ 139,
140.
1882, 265, §§ 1, 3.
E. L. 111, § 161.
124 Mass. 368.

SECTION 126. A railroad corporation, after having finished the construction of its railroad and put it in operation, may build a branch or extension thereof in accordance with the provisions of this chapter, if an amount of additional capital stock, applicable solely to the construction of such branch or extension, has been subscribed, and a certificate of the board of railroad commissioners that public necessity and convenience require the construction of

the branch or extension has been obtained, and a certificate of the clerk of said board has been filed according to the provisions of section seventy-one, and it may build such branch or extension without additional capital stock, if its indebtedness is not thereby increased; but the provisions of this section shall not invalidate a lease or contract between railroad corporations which is made pursuant to law. Upon the filing of such certificate, fifty dollars shall be paid to the secretary of the commonwealth. If the construction of such branch or extension is not begun, and ten per cent of the additional capital stock is not expended thereon within two years after the date of the certificate required by section seventy-one and the branch or extension completed and put in operation within four years after said date, the power of the railroad corporation to construct the same shall cease.

OPENING THE RAILROAD FOR USE.

SECTION 127. A railroad or branch or extension thereof shall not be opened for public use until the board of railroad commissioners, after an examination, certifies that all laws relative to its construction have been complied with, and that it appears to be in a safe condition for operation.

Road not to be opened for public use until, etc.
1874, 228; 372, § 120.
P. S. 113, § 141.
R. L. 111, § 163.

SECTION 128. When a railroad or a branch or extension thereof is finished and opened for public use, the corporation by which it was constructed shall, within one year thereafter, file in the office of the secretary of the commonwealth a map and profile thereof, with tables of grade and curvature and a statement of the other characteristics of the railroad, certified by its president and engineer in such form as the board of railroad commissioners may prescribe.

When road is opened for public use, map, etc., to be filed, etc.
1872, 53, § 14;
180, § 3.
1874, 372, § 84.
P. S. 112, § 142.
R. L. 111, § 163.

EQUIPMENT AND OPERATION.

Drawbridges.

SECTION 129. Every railroad corporation shall provide for each drawbridge upon the line of its railroad an experienced draw-tender, who shall have full control of the passing of vessels through the draw; and the corporation shall make and enforce regulations for each drawbridge conformable to the following seven sections.

Draw-tender.
1855, 484, §§ 1, 2.
G. S. 68, § 78.
1868, 131, § 1.
1874, 372, § 108.
P. S. 113, § 148.
R. L. 111, § 170.

SECTION 130. Every such drawbridge shall be kept closed at all times, except while open for the actual pas-

Drawbridges to be kept closed, except.
1855, 484, §§ 2, 3.

G. S. 63, § 74.
1863, 131, § 2.
1874, 372, § 109.
P. S. 112, § 149.
R. L. 111, § 171.

sage of vessels. The draw-tender shall at all hours of the day and night be ready to open the draw; shall decide, having regard to the convenient and secure passage of engines and trains and the state of the tide, when and in what order vessels may pass, allowing no unnecessary detention; and shall give all the necessary advice and furnish proper facilities for such passing.

Passage of
vessels, how
regulated.
1865, 434, §§ 3, 4.
G. S. 63, §§ 75, 76.
1874, 372, § 110.
P. S. 112, § 150.
R. L. 111, § 172.
127 Mass. 7.
146 Mass. 621.

SECTION 131. The master of a vessel who applies to pass such draw shall give to the draw-tender a true report of his vessel's draught of water, and of anything projecting below such vessel's draught, and shall be governed by him as to priority of right if two or more vessels apply at the same time to pass. In passing, he shall, unless otherwise directed by the draw-tender, go to the right according to the tide, if practicable, and shall so place his buoys, warping-lines, anchors, cables and other rigging and equipment as neither to interfere with other vessels nor obstruct or injure the bridge; and he shall be allowed a reasonable time for his vessel to pass. A railroad train shall be allowed fifteen minutes to cross a draw before and after it is due by its time table, and any approaching train shall be allowed a further reasonable time to pass.

Drawbridge
signals.
1863, 131, § 3.
1874, 372, § 111.
P. S. 112, § 151.
R. L. 111, § 173.

SECTION 132. Every drawbridge shall be furnished with conspicuous day and night signals, which shall be displayed at all times in such manner as clearly to indicate to the engineer of an approaching train whether the draw is open or closed.

— gates.
1863, 131, § 4.
1874, 372, § 112.
P. S. 112, § 152.
R. L. 111, § 174.

SECTION 133. The railroad corporation may erect, at a distance of five hundred feet from every drawbridge, or at such other distance as may on its application be prescribed by the board of railroad commissioners, and on each side thereof, a substantial barrier, so constructed and connected with the draw by suitable mechanism, that the draw, when in position for the passage of trains, cannot be opened or moved until the barriers have been closed across the track in such manner as to be a warning to any train which approaches in either direction.

Engineer to
see that draw-
bridge is
closed.
1863, 131, § 5.
1874, 372, § 113.
P. S. 112, § 153.
R. L. 111, § 175.

SECTION 134. If a drawbridge is not furnished with such barriers, and in all cases if by reason of darkness or otherwise the barriers or signals connected with a drawbridge are not visible from the engine of an approaching passenger train, the engineer of such train shall bring it to a full stop at a distance of not less than three hundred nor more than eight hundred feet from the drawbridge,

and, before proceeding, shall positively ascertain that the draw is properly closed for the passage of trains; except that if the drawbridge is between two railroad crossings at grade, within six hundred feet of each other, one stop only shall be required for such crossings and drawbridge.

SECTION 135. A railroad corporation which neglects to comply with the provisions of sections one hundred and thirty-two and one hundred and thirty-four shall forfeit one hundred dollars for each day such neglect is continued; and an engineer or draw-tender who violates any provision of said sections or any regulation established in conformity therewith for such drawbridge by the corporation by which he is employed shall forfeit one hundred dollars for each offence, which shall be recovered in the county in which the offence is committed, to the use of the informer.

Penalty on corporations for neglect, etc.
1863, 181, § 6.
1874, 373, § 114.
P. S. 112, § 154.
B. L. 111, § 176.

SECTION 136. Whoever violates any provision of the seven preceding sections, shall, unless otherwise therein provided, forfeit not less than three nor more than fifty dollars for each offence. Whoever wilfully injures or defaces any such drawbridge or wharf or pier appurtenant thereto, or any railroad bridge, wharf or pier, shall forfeit not less than three nor more than fifty dollars for each offence. Whoever without the consent of the draw-tender opens or wilfully obstructs the draw, or wilfully makes fast or moors any scow, raft or other vessel in such manner as to obstruct passage to or through said draw, or wilfully hinders a draw-tender in the performance of his duties, shall forfeit not less than fifty nor more than one hundred dollars for each offence.

— for obstructing draw-tender, etc.
1865, 434, §§ 5-7.
G. S. 63, §§ 78-80.
1874, 372, § 115.
P. S. 112, § 155.
B. L. 111, § 177.
127 Mass. 7.

Stations.

SECTION 137. A railroad corporation which has established and maintained a passenger station throughout the year for five consecutive years at any point upon its railroad shall not abandon such station, unless it is relocated under the provisions of the following section, nor substantially diminish the accommodation furnished by the stopping of trains thereat as compared with that furnished at other stations on the same railroad. The supreme judicial court, upon an information filed by the attorney-general at the relation of ten legal voters of the city or town in

Abandonment of passenger stations regulated.
1865, 175.
1874, 372, § 116.
P. S. 112, § 156.
B. L. 111, § 178.
127 Mass. 45.
136 Mass. 104.

which such station is located, shall have jurisdiction in equity to restrain the violation of the provisions of this section.

Relocation of
stations and
freight depot.
1872, 183.
1874, 872, § 117.
P. S. 112, § 157.
R. L. 111, § 179.
137 Mass. 45.
158 Mass. 104.
Way stations
to be indicated
by signs.
1879, 106.
P. S. 112, § 158.
R. L. 111, § 180.

SECTION 138. A railroad corporation may relocate passenger stations and freight depots, with the approval in writing of the board of railroad commissioners and of the board of aldermen of the city or the selectmen of the town in which such stations or depots are situated.

SECTION 139. Every railroad corporation shall indicate to its passengers the name of each way station by placing at or near the station a proper and conspicuous sign or signs, and shall forfeit fifty dollars for each violation of the provisions of this section.

Compensation
for joint occu-
pation.
1883, 142.
R. L. 111, § 181.

SECTION 140. If one railroad corporation occupies or uses, or has a right to occupy, enter upon and use, a station, railroad or grounds of another, or any portion thereof, the board of railroad commissioners, upon petition of either party, and after notice to the other, and a hearing, shall determine the compensation to be paid for such occupancy and use. Its award shall be binding upon the parties thereto for five years, and thereafter until it is revised or altered by said board, and upon the request in writing of a party affected thereby, filed within thirty days after the rendering thereof, the award shall be filed in the supreme judicial court which shall have jurisdiction to revise the same as if the award had been made by a commission appointed by said court.

Switches, Bridge Guards, etc.

Safety
switches.
1871, 24.
1874, 872, § 118.
P. S. 112, § 158.
R. L. 111, § 182.

SECTION 141. Every switch which is laid in a railroad track used by passenger or mixed trains shall be a safety switch of a type approved in writing by the board of railroad commissioners. For each switch laid in violation of the provisions of this section, the railroad corporation shall forfeit two hundred dollars, and the further sum of five dollars for each day such switch is maintained.

Blocked
switches.
1886, 130.
1894, 41.
R. L. 111, § 183.

SECTION 142. The frogs, switches and guard rails, except guard rails on bridges, which are in or connected with the railroad tracks operated or used by any railroad corporation shall be kept so blocked by some method approved by the board of railroad commissioners as to prevent employees from being caught therein. A railroad corporation which violates the provisions of this section shall be

punished by a fine of not less than ten nor more than one hundred dollars for each offence.

SECTION 143. Every railroad corporation, at every bridge or other structure, any portion of which crosses the railroad above the track, shall erect and maintain, in a manner prescribed by the board of railroad commissioners, suitable bridge guards, of a type approved by said board. A corporation which neglects to comply with the provisions of this section shall forfeit fifty dollars for each month's neglect. Whoever wilfully destroys or breaks any such bridge guard shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

Bridge guards.
1869, 308, §§ 2, 3.
1870, 276.
1874, 226; 372,
§ 119.
1881, 68.
P. S. 112, § 180.
R. L. 111, § 184.
175 Mass. 150.

Signals, etc., at Crossings.

SECTION 144. If two railroads cross each other at the same level, the engineer of every freight train and, if both railroads are used for passenger traffic, of every passenger train, upon approaching such crossing, shall stop his engine within five hundred feet therefrom, and shall not resume his course until signalled so to do, when he shall pass slowly over the crossing; but one stop shall be sufficient for all such crossings within six hundred feet of each other upon the same railroad. Every engineer who fails so to stop his engine shall forfeit one hundred dollars for each offence; and the corporation on whose railroad the offence is committed shall forfeit the further amount of three hundred dollars.

Stopping of
trains at grade
crossings.
1855, 452, § 1.
1856, 30; 123, § 1.
G. S. 63, §§ 83,
94.
1872, 318.
1874, 372, § 121.
P. S. 112, § 161.
R. L. 111, § 186.

SECTION 145. The board of railroad commissioners shall make general regulations for all such crossings or special regulations for such particular crossings as it may designate, and in such detail as it may consider expedient; and the supreme judicial court may issue any processes necessary to secure the enforcement of such regulations, or, upon the petition of said board, may enjoin the running of trains on a railroad upon which any regulation relative to such crossing is not exactly observed. The approval of said board shall be required for a system of signals to be established and maintained in concert by corporations operating railroads which cross each other; but no such regulation or system of signals shall exempt a railroad upon or across which passenger trains are run from the requirements of the preceding section, unless a

Board may
prescribe rules
for crossings.
1874, 372, § 122.
1881, 145.
P. S. 112, § 162.
R. L. 111, § 186.

Interlocking
signals.
1886, 86.
R. L. 111, § 187.

system of interlocking or automatic signals, approved in writing by said board, is adopted by both corporations.

SECTION 146. The board of railroad commissioners may, on the application of a railroad corporation whose railroad crosses another railroad at the same level, after notice to the parties and a hearing, authorize the applicant at its own expense, to establish and maintain a system of interlocking or automatic signals at any crossing of said railroads, and to erect and maintain the necessary wires, rods, signal posts and signals, in such manner as said board shall prescribe. Such corporation, after the system has been established and approved in writing by said board, shall be exempt as to such crossing from the requirements of section one hundred and forty-four so long as said board continues its approval. Upon payment to such corporation by the corporation owning or operating the other railroad at such crossing of so much of the cost of establishing such system of signals as, upon petition of the latter corporation and a hearing, is awarded by said board, both railroad corporations shall, as to that crossing, be exempted from the requirements of said section. Until such payment the latter corporation shall semi-annually contribute toward the expense of operating said signals an amount equal to the cost to it of operating the signals used by it at said crossing before the establishment of the signals herein provided for. After the payment of such award the expense of maintaining and operating such system of signals shall be borne by the two railroad corporations according to the proportions fixed by the award for paying the original cost of the signals. So much of the award as relates to the cost of maintaining and operating said signals may, at the request of either party, be revised at the expiration of five years from the original award or from any revision thereof.

Bell to be rung
or whistle
sounded.
1835, 148, § 4.
R. S. 39, § 78.
1859, 125, § 8.
G. S. 63, § 88.
1862, 81, § 1.
1874, 872, § 123.
P. S. 112, § 163.
1890, 173.
R. L. 111, § 188.
2 Cush. 589.
10 Cush. 592.
125 Mass. 64.
140 Mass. 289.
158 Mass. 57, 62.
157 Mass. 340.

SECTION 147. Every railroad corporation shall cause a bell of at least thirty-five pounds in weight, and a steam whistle, to be placed on each locomotive engine passing upon its railroad; and such bell shall be rung or at least three separate and distinct blasts of such whistle sounded at the distance of at least eighty rods from the place where the railroad crosses upon the same level any highway, town way or travelled place over which a signboard is required to be maintained as provided in sections one hundred and forty-nine and one hundred and fifty; and such bell shall

be rung or such whistle sounded continuously or alternately until the engine has crossed such way or travelled place. The provisions of this section shall not affect the authority conferred upon the board of railroad commissioners by the provisions of the following section.

SECTION 148. The board of railroad commissioners, upon petition, and after notice to the railroad corporation and a public hearing, may, for good cause shown, recommend to such railroad corporation such changes as it considers proper in the manner of making up and shifting freight trains or freight cars, and to the sounding of whistles on locomotives, and it may by an order in writing forbid or regulate the sounding of whistles on the locomotives of such corporation at any specified grade crossings of the tracks of such corporation with any highway or public way. The corporation which is subject to the provisions of such order shall thereafter, until the order shall have been modified or annulled by said board, conform in all respects to the terms thereof.

SECTION 149. Every railroad corporation shall cause boards, supported by posts or otherwise at such height as to be easily seen by travellers, and not obstructing travel, containing on each side in capital letters at least nine inches long the following inscription, — RAILROAD CROSSING — LOOK OUT FOR THE ENGINE, — to be placed and constantly maintained across each highway or town way where it is crossed by the railroad at the same level; or the corporation may substitute therefor warning boards on each side of the crossing, of such form, size and description as the board of railroad commissioners shall approve.

SECTION 150. The board of aldermen of a city or the selectmen of a town in which a travelled place is crossed by a railroad at the same level, if of opinion that it is necessary for the better security of the public that boards such as are described in the preceding section should be maintained at such travelled place, may in writing request the railroad corporation to erect and maintain them. If it refuses or neglects so to do, they may apply to the board of railroad commissioners. If said board, after public notice and a hearing, decides that such erection is necessary for the better security of the public, the corporation shall comply with such decision.

SECTION 151. The board of railroad commissioners, after notice to a railroad corporation whose railroad crosses

159 Mass. 83.
162 Mass. 135.
170 Mass. 430.
188 Mass. 368.
186 Mass. 474.
187 Mass. 217.

Sounding of whistles regulated.
188, 334.
189, 204.
R. L. 111, § 189.

Signboards at crossings of ways.
188, 148, § 4.
R. S. 39, § 79.
1849, 222, § 2.
1859, 125, § 1.
G. S. 68, § 84.
1862, 81, § 2.
1872, 191.
1874, 372, § 124.
1875, 219.
1878, 68.
P. S. 112, § 164.
R. L. 111, § 190.
153 Mass. 57.
162 Mass. 135.

—at crossings of travelled places, when.
1859, 125, § 2.
G. S. 68, § 85.
1874, 372, § 125.
P. S. 112, § 165.
R. L. 111, § 191.
7 Gray, 98.
140 Mass. 238.
153 Mass. 57.
170 Mass. 430.

Gates, etc., at crossings.
1885, 148, §§ 4, 6.

R. S. 89, § 80.
 1849, 222, §§ 1-3.
 1861, 317.
 1864, 401.
 1866, 245.
 G. S. 63, §§ 86-
 89, 92.
 1864, 152, § 3.
 1865, 239, § 2.
 1874, 372, § 126.
 P. S. 112, § 106.
 1883, 117.
 1888, 240.
 R. L. 111, § 192.
 121 Mass. 127.
 129 Mass. 364.
 153 Mass. 167.

a highway, town way or travelled place at the same level, and a hearing, may direct in writing that gates shall be erected at said crossing across said way or place and that an agent be stationed thereat to open and close such gates when an engine or train passes, or that a flagman be stationed at the crossing, who shall display a flag when an engine or train passes, or that such crossing shall be provided with such an electric signal as said board determines the better security of human life or the convenience of the public travel requires, and the corporation shall comply with such order.

Enforcement
 of preceding
 sections.
 1835, 148, § 5.
 R. S. 89, § 81.
 G. S. 63, § 90.
 1864, 152, § 4.
 1874, 372, § 128.
 1875, 219.
 P. S. 112, §§ 164,
 168.
 R. L. 111, § 193.

SECTION 152. The supreme judicial court shall have jurisdiction in equity to enforce compliance with the provisions of the three preceding sections, and a railroad corporation which unreasonably neglects to comply with an order or decision made under the provisions of the two preceding sections shall forfeit not more than one thousand dollars for every such neglect.

Signals at
 overhead
 crossings.
 1891, 129.
 R. L. 111, § 194.

SECTION 153. The board of railroad commissioners may require a railroad corporation whose railroad crosses a highway by a crossing above the level of the highway to give such signal as said board may designate of the approach of trains to such crossing. Said board may in each case determine the nature of the signal to be given, and, in its discretion, may require an automatic signal. The supreme judicial court shall have jurisdiction in equity to compel railroad corporations to comply with orders made by said board under the provisions of this section.

Removal of
 standing wood
 at crossings.
 1889, 371.
 R. L. 111, § 195.

SECTION 154. If the view of a railroad crossing or highway at grade is obstructed by standing wood in woodlands, the railroad corporation or ten citizens of a town may petition the county commissioners for the county in which such crossing is situated for the removal of such standing wood; and the commissioners after notice and a hearing, shall make such orders as to such removal as the public safety demands. They shall also prescribe the limits within which such standing wood shall be taken, and shall determine the damage sustained. Such damage and the expense incident thereto shall be assessed and collected in the manner provided for the taking of land by railroad corporations, and shall be paid by the railroad corporation. Either party who is aggrieved by the decision of the commissioners, may appeal therefrom in the manner provided in section eighty-seven.

SECTION 155. A railroad corporation, or receiver, or assignee thereof, or its or his servant or agent, shall not wilfully or negligently obstruct or unnecessarily or unreasonably use or occupy a highway, town way or street, or in any case obstruct, use or occupy it with cars or engines for more than five minutes at one time; and if a highway, town way or street, has been thus used or occupied with cars or engines, the railroad corporation, or receiver or assignee thereof, shall not again use or occupy it with the cars or engines of a freight train, until a sufficient time, not less than three minutes, has been allowed for the passage across the railroad of such travellers as were ready and waiting to cross when the former occupation ceased. A railroad corporation, receiver, or assignee thereof, who violates the provisions of this section, shall forfeit one hundred dollars.

Penalty on corporation for obstructing highways, etc. 1864, § 78.
G. S. 63, § 68.
1871, 83, 316.
1874, 372, § 129.
P. S. 112, § 160.
1895, 173.
R. L. 111, § 196.
119 Mass. 412.
135 Mass. 550.
156 Mass. 159.
169 Mass. 403.

SECTION 156. Upon an application to the board of railroad commissioners, according to the provisions of section ten of Part I, stating that a crossing of a railroad with a highway, town way or street at the same level is improperly used by a railroad corporation with its freight engines, freight cars or freight trains to the unreasonable inconvenience or danger of the public, said board, after notice, shall hear the parties; and, if public convenience or safety so requires, it may direct that after a date to be fixed by it such railroad corporation shall not use such crossing or any part thereof for making up, connecting or disconnecting freight trains, or the engines or cars of such trains, or for the purpose of distributing freight or freight cars; and to prevent the same may prescribe such changes to be made in the construction of side tracks, branches and connections, in proximity to such crossings, and such regulations limiting the use of such crossings, as may be necessary. Said board may at any time modify its order after a hearing and for cause shown. The supreme judicial court shall have jurisdiction in equity on application of the attorney-general to enforce compliance with such order.

Occupation of ways by cars regulated. 1885, 110.
R. L. 111, § 197.

Equipment of Engines and Cars.

SECTION 157. A railroad corporation which is subject to the provisions of this act may operate its railroad by electricity.

Electricity a motive power. 1892, 110.
R. L. 111, § 198.

Brakes and
brakemen.
1837, 228, § 8.
1849, 161.
G. S. 68, §§ 81,
82.
1869, 428.
1874, 372, § 130.
P. S. 112, § 170.
R. L. 111, § 200.

SECTION 158. Every railroad corporation shall cause a sufficient brake to be attached to every car used upon its railroad for the transportation of passengers, and to every car used for the transportation of freight, except four-wheel cars used only for freight; and shall cause at least one brakeman for every two cars in a passenger train to be stationed thereon, and one brakeman for the last car of every freight train to be stationed thereon. A corporation which violates the provisions of this section shall forfeit not more than one hundred dollars.

Safety ap-
pliances for
freight trains.
1896, 392, § 1.
R. L. 111, § 201.

SECTION 159. A railroad corporation, in moving traffic between points in this commonwealth, shall not use any locomotive which is not equipped with a power driving wheel brake and appliances for operating the train brake system; nor run any train in such traffic unless a sufficient number of cars in it are so equipped with power or train brakes that its speed can be controlled by the engineer of the locomotive which is drawing such train, without the use of the common hand brakes by the brakemen. When such corporation has equipped a sufficient number of its cars with such power or train brakes, it may lawfully refuse to receive from connecting lines of railroad any cars used in such traffic which are not sufficiently equipped with such power or train brakes as will work and readily interchange with the brakes in use on its own cars.

Safety
couplers on
freight cars.
1884, 222.
R. L. 111, § 202.

SECTION 160. A railroad corporation which operates a railroad or any portion thereof within this commonwealth shall cause to be placed upon both ends of every freight car owned by it and which it may lawfully use such automatic or other safety coupler as the board of railroad commissioners, after an examination and test, may prescribe, and said board may annul any such requirement made by it. The supreme judicial court, upon the application of the attorney-general, may enforce the provisions of this section.

Automatic
couplers for
freight cars.
1896, 392, § 2.
R. L. 111, § 203.
182 Mass. 348.
188 Mass. 390.

SECTION 161. A railroad corporation, in moving traffic between points in this commonwealth, shall not haul or use, or permit to be hauled or used, on its lines any car which is not equipped with couplers coupling automatically by impact, and uncoupling otherwise than by going between the cars.

Grab irons.
1896, 392, § 3.
R. L. 111, § 204.

SECTION 162. A railroad corporation, in moving traffic between points in this commonwealth, until otherwise or-

dered by the board of railroad commissioners, shall not use any car, except flat cars equipped with automatic couplers, which is not provided with secure grab irons or hand holds on the ends and sides for greater security to men in coupling and uncoupling cars.

SECTION 163. The standard height of drawbars for freight cars, measured perpendicularly from the level of the top of the rails to the centres of the drawbars, shall be thirty-four and one half inches for standard gauge railroads and twenty-six inches for narrow gauge railroads, with a maximum variation from such standard height, in either case, of three inches between the drawbars of empty and loaded cars; and no freight car with drawbars which do not comply with the above standard, whether loaded or unloaded, shall be used in moving traffic between points in this commonwealth.

Standard height of drawbars for freight cars. 1895, 362, § 4. R. L. III, § 205.

SECTION 164. A railroad corporation which violates any of the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-three, shall, for each offence, forfeit one hundred dollars, which shall be recovered in an action of tort to the use of the commonwealth by the attorney-general or the district attorney for the district in which such offence was committed.

Penalty. 1895, 362, § 5. R. L. III, § 206.

SECTION 165. The provisions of sections one hundred and fifty-nine and one hundred and sixty-one to one hundred and sixty-four, inclusive, shall not apply to trains composed of four-wheel cars, or to locomotives used in hauling such trains.

Limitation of preceding sections. 1895, 362, § 5. R. L. III, § 207.

SECTION 166. The board of railroad commissioners may from time to time, after hearing and for good cause, exempt, until a date fixed by it, any railroad corporation from the requirements of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-three.

Extension of time for equipment. 1895, 362, § 6. R. L. III, § 208.

SECTION 167. An employee of a railroad corporation who is injured by any locomotive, car or train which is used contrary to the provisions of sections one hundred and fifty-nine, one hundred and sixty-one, one hundred and sixty-two and one hundred and sixty-three, shall not be deemed to have assumed the risk of such injury, although he continues in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge.

Assumption of risk by employee restricted. 1895, 362, § 7. R. L. III, § 209. 188 Mass. 390.

Tools to be
carried with
trains.
1870, 372.
1871, 7.
1874, 372, § 131.
P. S. 112, § 171.
1882, 54, § 1.
R. L. 111, § 210.

SECTION 168. Every railroad corporation shall equip each of its trains, for use in case of accident, with two car replacers, two jack screws, two crowbars, one pinch bar, one claw bar, one spike hammer, two sharp axes, and ropes or chains suitable for hauling cars; and shall also equip each car of every passenger train which is owned or regularly used by it, including mail and baggage cars, with two sets of tools, consisting of an axe, a sledge hammer, a crowbar, handsaw and pail, which shall be maintained in good condition, and one set of which shall be kept upon the inside and the other upon the outside of every such car, in a convenient place and in a manner approved by the board of railroad commissioners; but one set shall be sufficient if so placed as to be accessible both from the inside and outside of such car. A corporation which violates the provisions of this section shall forfeit five hundred dollars.

Safeguards
against fire.
1882, 54, § 3.
R. L. 111, § 211.
See 1906, 288.

SECTION 169. Every passenger, baggage, mail and express car, which is owned or regularly used on any railroad in this commonwealth, shall be provided with such safeguards against fire as the board of railroad commissioners in writing shall order. A corporation which violates the provisions of this section shall forfeit three hundred dollars for each offence.

Heating of
cars regulated.
1887, 262.
1891, 249.
R. L. 111, § 212.

SECTION 170. A passenger, mail or baggage car in this commonwealth shall not be heated by a stove or furnace which is kept inside the car or suspended therefrom unless it is temporarily necessary by reason of an accident or other emergency, and no method of heating such cars nor heater shall be used until it shall have been approved in writing by the board of railroad commissioners; but said board may from time to time grant such exemptions from the requirements of this section as may seem to it necessary or reasonable, and may grant permission to any railroad corporation to make such experiments in heating its passenger cars as said board determines is proper. A corporation which violates the provisions of this section shall forfeit not more than five hundred dollars.

Passenger cars
not to be
lighted by
explosive oils.
1868, 286.
1872, 276.
1874, 372, § 182.
P. S. 112, § 172.
R. L. 111, § 213.

SECTION 171. A passenger car on a railroad shall not be lighted by naphtha, nor by an illuminating oil or fluid made in part of naphtha or which will ignite at a temperature of less than three hundred degrees Fahrenheit. A corporation which violates the provisions of this section shall forfeit not more than five hundred dollars.

SECTION 172. Every passenger, baggage, mail and express car, which is owned or regularly used on any railroad in this commonwealth shall be provided at each end thereof with platform gates of a pattern approved by the board of railroad commissioners. A railroad corporation which hauls or uses or permits to be hauled or used on its railroad any car in violation of the provisions of this section shall, for each offence, forfeit one hundred dollars to the use of the commonwealth, and the attorney-general or the district attorney for the district in which such violation occurred shall bring an action therefor.

Platform gates.
1900, 228.
R. L. 111, § 214.

SECTION 173. The board of railroad commissioners may make and revise regulations for testing the boilers of locomotives, and shall communicate such revision to every person or corporation which operates a railroad in this commonwealth. The tests under such regulations shall, if possible, be made by the master mechanic of the corporation, firm or person which constructs, repairs or uses such boilers. A person or corporation using a locomotive on a railroad in this commonwealth, the boiler of which has not been tested in accordance with the provisions of this section, shall be punished by a fine of twenty dollars for every day during which such use continues, to the use of the commonwealth.

Testing of locomotive boilers.
1882, 78.
R. L. 111, § 213.

SECTION 174. A railroad corporation which uses any vacuum brake shall provide and use on every locomotive equipped therewith a muffler or other appliance, approved in writing by the board of railroad commissioners, for deadening the noise incident to the operation of such brake; but any other appliance may be used upon any locomotive for the purpose of experiment only, for not more than thirty days, but not upon more than two locomotives of the same corporation at any one time. Every application to said board for approval of such appliances shall be in writing; and such approval may be revoked by said board by written notice to the corporation.

Mufflers with vacuum brakes.
1879, 284, §§ 1, 3.
P. S. 112, §§ 173, 174.
R. L. 111, § 215.

SECTION 175. A railroad corporation which uses upon its locomotives a pop or other safety valve shall provide and use therewith a suitable and sufficient appliance for deadening the sound made by steam escaping therefrom, and, if it materially retards the escape of steam or increases the pressure upon the boiler, the corporation shall use an additional safety valve without such appliance, set

— with safety valves.
1879, 284, § 2.
P. S. 112, § 175.
R. L. 111, § 216.

at a higher point than the other but below the point at which explosion is likely to occur.

Penalties.
1879, 284, § 4.
P. S. 112, § 176.
E. L. 111, § 217.

SECTION 176. A corporation which violates any provision of the two preceding sections shall forfeit not less than one hundred nor more than three hundred dollars for every locomotive used by it in violation thereof, and a further sum of five dollars for each day upon which such locomotive shall be run in violation thereof.

Reasonable accommodations.
1849, 191, § 2.
G. S. 63, § 110.
1874, 372, § 133.
P. S. 112, § 177.
E. L. 111, § 219.

SECTION 177. Every railroad corporation shall furnish reasonable accommodations for the convenience and safety of passengers; and for every wilful neglect to provide the same shall forfeit not less than five nor more than twenty dollars.

Uniform caps and badges for employees.
1874, 302, § 72, § 134.
1876, 33.
P. S. 112, § 178.
E. L. 111, § 220.

SECTION 178. Every railroad corporation shall provide a uniform hat or cap and distinguishing badge, which shall be worn by all its employees whose duties relate immediately to the transportation of passengers or their baggage. A corporation which neglects to provide such uniform hat or cap and badge shall forfeit one hundred dollars for each week of such neglect; and if such an employee neglects to wear the same when on duty, the corporation which employs him shall for each case of such neglect forfeit twenty-five dollars; and no employee, unless wearing his uniform hat or cap and badge, shall be permitted to exercise any authority or to perform any of the duties of his office.

Color-blindness, examination for.
1881, 194.
P. S. 112, § 179.
1883, 125.
E. L. 111, § 221.

SECTION 179. A railroad corporation shall not employ any person or keep him in its employ in a position which requires the employee to distinguish form or color signals, unless he has been examined for color-blindness or other defective sight by a competent person employed by the corporation and has received a certificate that he is not disqualified for such position by color-blindness or other defective sight. A railroad corporation which violates the provisions of this section shall forfeit one hundred dollars.

Further appliances.
1882, 54, § 4.
E. L. 111, § 222.

SECTION 180. The board of railroad commissioners may require a railroad corporation to equip its cars with such other appliances as, in the judgment of said board, are necessary for the further protection of life in all passenger trains used in this commonwealth.

Fares, Tolls, Charges, etc.

Rates of fare, how established and revised.
E. S. 39, § 83.

SECTION 181. A railroad corporation may establish for its sole benefit fares, tolls and charges upon all passengers and property conveyed or transported on its railroad, at

such rates as may be determined by its directors, and may from time to time by its directors regulate the use of its railroad; but such fares, tolls and charges, and such regulations, shall be subject to revision and alteration by the general court, or by such officers or persons as it may appoint for the purpose, anything in the charter of the railroad corporation to the contrary notwithstanding.

SECTION 182. A railroad corporation shall not demand or receive for any single ticket bought or fare paid on a train or elsewhere than at its ticket offices more than ten cents in excess of the tariff rates charged at its ticket offices. When such excess is received, the conductor or other person receiving it shall give to the passenger a printed certificate which shall entitle him to receive the excess so paid at any station of the corporation in exchange for such certificate. A railroad corporation which violates any provision of this section shall be punished by a fine of not less than ten nor more than fifty dollars.

SECTION 183. Every railroad corporation which has a terminus in Boston, except the Boston, Revere Beach and Lynn Railroad Company, shall sell a commutation ticket good for not more than twenty-five trips between Boston and a station in the suburban district, so-called, which is named therein, at the lowest rate for each trip which was charged between said points on the first day of July in the year nineteen hundred, except the rates charged for season tickets and for tickets on workingmen's trains.

Transportation of Passengers.

SECTION 184. A railroad corporation may make contracts for the conveyance of passengers upon designated trains for a specific distance at fixed times, at such reduced rates of fare as the parties may agree upon. Tickets may be issued for such passengers, upon which shall be plainly printed the terms upon which they may be used. Such tickets shall not be transferable without the consent of the corporation, nor shall they entitle the holder to ride upon a train which is not therein designated.

SECTION 185. A railroad corporation which owns or operates a railroad of standard gauge in this commonwealth shall check and transport between stations within the limits of this commonwealth, as baggage, and subject to the same charges, terms and liabilities as other baggage, one bicycle for each passenger who pays by a mileage book, by a ticket

G. S. 68, § 112.
1870, 325, § 1.
1874, 372, § 179.
P. S. 112, § 180.
R. L. 111, § 225.
12 Gray, 130.
160 Mass. 82.
170 Mass. 205.

Extra fares regulated.
1883, 32.
1900, 154.
R. L. 111, § 226.

Commutation tickets.
1900, 395.
R. L. 111, § 227.

Conveyance of passengers at reduced rates.
1871, 143.
1874, 372, § 135.
P. S. 112, § 181.
R. L. 111, § 228.

Bicycles as baggage.
1900, 318.
R. L. 111, § 229.

other than a season ticket, or in cash, the established fare, if it is not less than ten cents, exclusive of rebate. The weight of the bicycle shall be included in determining the total weight of the baggage to be transported for such passenger. Such corporation shall not require such bicycle to be crated, covered or otherwise protected.

Baggage checks.

1854, 28.
G. S. 68, § 111.
1874, 372, § 136.
P. S. 112, § 182.
R. L. 111, § 230.
15 Gray, 447.
7 Allen, 529.

SECTION 186. Every railroad corporation shall, upon request, give checks to passengers for their baggage when delivered for transportation, and shall re-deliver the baggage to the passengers upon the surrender of such checks. A corporation which violates the provisions of this section shall forfeit ten dollars for each offence.

Cheap morning and evening trains.

1872, 348.
P. S. 112, § 183.
R. L. 111, § 231.

SECTION 187. Every railroad corporation which has a terminus in Boston shall, upon the application of two hundred or more persons therefor, furnish on each week day a morning train in and an evening train out for distances not exceeding fifteen miles, or suitable cars attached to other trains, and reaching and leaving Boston at about six o'clock in the forenoon and afternoon, or at such hours as may be fixed by the board of railroad commissioners; and for such trains, shall furnish season tickets good once a day each way for six days in the week, at a rate not exceeding, for yearly tickets, three dollars a mile and for quarterly tickets, one dollar a mile.

Working-men's trains.

1900, 298.
R. L. 111, § 232.

SECTION 188. Every railroad corporation which has a terminus in Boston shall furnish such number of workingmen's trains, not less than two each way, as the board of railroad commissioners, upon a petition for such trains filed with it, shall in each case order. Such trains shall arrive at Boston between six and half past seven o'clock in the morning and leave Boston between the same hours in the evening and special cars may be provided therefor. Season tickets, good once a day each way for six days in the week, shall be furnished for such trains at a rate not exceeding, for yearly tickets, three dollars a mile, and for quarterly tickets, one dollar a mile. Trip tickets now issued shall be good on the two trains authorized by this section, and shall not be withdrawn nor the rate therefor be increased without the consent of the board of railroad commissioners.

Season tickets for express messengers.

1894, 469, §§ 2, 5.
R. L. 111, § 233.
See R. L. 70, § 8.

SECTION 189. Every railroad corporation shall sell to an express messenger or to a person who conducts a local express business, as provided in section one hundred and ninety-seven, in its trains or cars within this common-

wealth, a season ticket for his personal transportation, at a price not exceeding that at which similar tickets are sold to passengers, upon receiving from him a release of all right, to whomsoever accruing, to damages or compensation for death or for any personal injury received by him while riding on such ticket. The supreme judicial court or the superior court shall have jurisdiction to enforce the provisions of this section by injunction, mandamus or other suitable process.

SECTION 190. Any person who, being governor, lieutenant governor, member of the council, member or member-elect of the general court, justice of the supreme judicial court, justice of the superior court, judge of probate, justice of a police, district or municipal court or a county commissioner, who requests, for himself or another, accepts or uses any free pass upon a railroad, or any ticket which entitles him to transportation upon a railroad, for which he has paid a less price than is demanded of the public generally, and an officer, agent or employee of a railroad corporation who issues, delivers or offers to any person hereinbefore mentioned or to or for any other person at the request, solicitation or procurement of any such person a free pass or any ticket which entitles him to transportation at a less rate of fare than is demanded of the public generally, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Free passes to state officers forbidden.
1882, 59, §§ 1-3.
R. L. 111, § 234.

SECTION 191. A railroad corporation which does business in this commonwealth shall not require women or children to ride in smoking cars. For a violation of the provisions of this section the corporation, or any officer or employee thereof, shall be punished by a fine of not less than ten nor more than fifty dollars for each offence.

Women, etc., in smoking cars.
1888, 176.
R. L. 111, § 235.

Transportation of Mails.

SECTION 192. Every railroad corporation shall, upon request of the postmaster general or of an authorized agent of the post office department, carry the mails at such times and upon such trains as may be desired by him upon the terms provided in the two following sections.

Transportation of United States mails, when, etc.
1867, 351, § 1.
P. S. 112, § 184.
R. L. 111, § 236.

SECTION 193. A corporation which is unable to agree with the postmaster general or other proper officer of the United States as to the compensation to be paid for such transportation may notify the postmaster general of its

Compensation for carrying mails, how determined.
1867, 351, § 2.
P. S. 112, § 185.
R. L. 111, § 237.

unwillingness to carry the mails upon the terms proposed; and after the expiration of three months from the depositing of such notice in a post office in this commonwealth, addressed to the postmaster general, such corporation shall be absolved from the duty imposed in the preceding section, unless he or some officer or agent of the post office department within that time has filed a petition in the supreme judicial court in any county, praying for the appointment of three commissioners to fix the price to be paid to the corporation for such service; and the court, after notice to the corporation, shall appoint three commissioners to hear the parties and determine such compensation, the award of a major part of whom, being made to and confirmed by said court, shall be final as to all past service and for the period of two years after such confirmation.

Revision of rates.

1867, 351, § 3.
P. S. 112, § 186.
R. L. 111, § 238.

SECTION 194. Upon application to said court by either party to such proceedings at any time after the expiration of two years from the confirmation of such award, the matter may be reopened, and the same or other commissioners shall rehear the parties, and the award of said commissioners or of a major part of them, when made to and confirmed by said court, shall be binding on the parties for two years after such confirmation, when like proceedings may again be had on petition of either party.

Transportation of Merchandise.

Receipts to shippers of merchandise.

1872, 308.
1874, 372, § 137.
P. S. 112, § 187.
R. L. 111, § 239.

SECTION 195. A railroad corporation shall, upon request, without additional charge, give a receipt describing articles, packages or commodities not extra hazardous delivered to it for transportation. A corporation which refuses to give such receipt shall forfeit fifty dollars to the person who is entitled thereto.

Equal facilities for transportation.

1867, 339.
1874, 372, § 138.
P. S. 112, § 188.
R. L. 111, § 240.
115 Mass. 116.
128 Mass. 326.
147 Mass. 35.
266.
165 Mass. 398.

SECTION 196. Every railroad corporation shall, subject to the provisions of section two hundred and one, give to all persons reasonable and equal terms, facilities and accommodations for the transportation upon its railroad of themselves, their agents and servants, and of their merchandise and other property and for the use of its depot and other buildings and grounds; and, at any point where its railroad connects with another railroad, it shall give reasonable and equal terms and facilities of interchange.

SECTION 197. The provisions of the preceding section shall apply to all persons engaged only in a local express business for the forwarding of express matter between points within the commonwealth in the trains or cars of any railroad corporation, and to persons desiring to engage therein who obtain the recommendation of the board of railroad commissioners therefor, and who agree in writing to indemnify the corporation against all loss of and damage to any property which is carried by them on its trains. Such recommendation shall be given only after notice to all parties interested and a hearing thereon, and with regard, among other considerations, to the public interest. Such corporation may contract with one or more persons for the express service over its railroad or system, subject to the rights of such persons as may then be engaged in, or shall have obtained the recommendation aforesaid to conduct, such local express business thereon between points within this commonwealth under the provisions of this section; and the terms, facilities and accommodations provided for such last named persons shall not be unreasonable or unequal, having regard to the amount and character of the service and also to such reasonable regulation of said business as may be for the public interest and the efficient operation of the railroad. The provisions of this section shall not deprive any railroad corporation of any right which it has under its charter or under general laws, to perform all the transportation of property upon its railroad. The supreme judicial court or the superior court shall have jurisdiction to enforce the provisions of this section by injunction, mandamus or other suitable process.

Equal facilities to local expressmen.
1864, 468, §§ 1, 5, 6.
R. L. 111, § 241.
165 Mass. 338.
See R. L. 70, § 8.

SECTION 198. Every railroad corporation shall promptly forward merchandise consigned to or directed to be sent over another railroad connecting with its railroad, according to the directions contained thereon or accompanying the same, and shall not receive and forward over its railroad merchandise consigned to or directed to be sent by a different route.

Merchandise to be forwarded promptly.
1869, 308, § 1.
G. S. 63, § 114.
1874, 372, § 189.
P. S. 112, § 189.
R. L. 111, § 242.

SECTION 199. A railroad corporation shall not charge or receive for the transportation of freight to any station on its railroad a greater amount than is at the time charged or received for the transportation of the like class and quantity of freight from the same original point of departure to a station at a greater distance on its railroad in the same direction. Two or more railroad corporations

Charges for transportation of freight.
1871, 363.
1874, 372, § 140.
P. S. 112, § 190.
R. L. 111, § 243.
124 Mass. 561.

whose railroads connect shall not charge or receive for the transportation of freight to any station on the railroad of either of them a greater amount than is at the time charged or received for the transportation of the like class and quantity of freight from the same original point of departure to a station at a greater distance on the railroad of either of them in the same direction. In the construction of this section, the amount charged or received for the transportation of freight shall include all terminal charges; and the railroad of a corporation shall include all the railroad in use by it, whether owned or operated under a contract or lease.

Penalties on
corporation.
1869, 209, § 2.
G. S. 68, § 114.
1873, 240.
1874, 372, § 141.
1880, 258.
P. S. 112, § 191.
E. L. 111, § 244.
143 Mass. 264.

SECTION 200. A railroad corporation which violates any provision of the four preceding sections, in addition to liability for all damages sustained by reason of such violation, shall for each offence forfeit two hundred dollars, which shall be recovered in an action of tort to his own use by the party aggrieved, or to the use of the commonwealth by the attorney-general or the district attorney of the district in which such violation was committed; but no such action shall be maintained unless brought within one year after the date of such violation.

Discrimina-
tion in freight
rates for-
bidden.
1882, 94, 225.
E. L. 111, § 245.

SECTION 201. A railroad corporation shall not in its charges for the transportation of freight or in the conduct of its freight business, make or give any undue or unreasonable preference or advantage to or in favor of any person, firm or corporation, nor subject any person, firm or corporation to any undue or unreasonable prejudice or disadvantage.

Transportation of Milk.

Transporta-
tion of milk.
1879, 206, §§ 1, 2.
P. S. 112, § 192.
1898, 210, § 1.
E. L. 111, § 246.

SECTION 202. A railroad corporation shall not receive, forward or deliver milk in large quantities over any portion of its line, or permit others so to do, under contract, lease or hiring of cars or otherwise, without at the same time providing, as regards time, care and preservation of the milk and the return of the empty cans, equal facilities and advantages for receiving, forwarding and delivering milk by the can over the same portion of its line; nor without establishing a tariff for the milk by the can which is fairly proportionate to the rate which it charges or receives as aforesaid for milk in large quantities.

—tariff for,
how fixed.
1879, 206, § 2.
P. S. 112, § 193.

SECTION 203. Upon the petition of one or more persons who desire to forward milk by the can over any

railroad or any portion or portions thereof, the board of railroad commissioners, after notice to the railroad corporation and a hearing, shall ascertain and compare the tariff established as aforesaid for milk by the can with the rate charged or received as aforesaid for milk in large quantities over such railroad or such portion or portions thereof; and if the former is, in the judgment of said board, unreasonably high, as compared with the latter, said board shall revise said tariff and shall fix such rate for milk by the can as in its judgment is fairly proportionate to the rate for milk in large quantities, including in both cases the same care and preservation of the milk and the return of the empty cans, as aforesaid; and shall notify the corporation in writing of the rate by the can so fixed over such railroad or such portion or portions thereof; but milk received by one railroad corporation from another shall not be considered as received at the point of junction of the two railroads, in comparing and fixing as aforesaid the rate for milk by the can tendered at such point of junction.

1898, 210, § 2.
E. L. 111, § 247.
158 Mass. 1.

SECTION 204. A railroad corporation which refuses or neglects to receive, forward or deliver milk by the can over its railroad or any portion thereof at the tariff rate therefor, as provided in the preceding section, shall forfeit to the person who tenders the same five dollars for each and every can of milk which it so refuses to receive or neglects to forward and deliver at the said tariff rate.

Penalties.
1879, 206, § 8.
P. S. 112, § 194.
1893, 210, § 8.
E. L. 111, § 248.

CONNECTING RAILROADS.

SECTION 205. If a railroad constructed after the eighth day of April in the year eighteen hundred and seventy-two meets another railroad which terminates in the same city or town, or lawfully crosses another railroad at the same level therewith, the corporation by which either of said railroads is owned may enter its railroad upon, unite the same with and use the railroad of the other; if a railroad constructed after said day meets another railroad which passes through the same city or town, the corporation by which either of said railroads is owned may, with the written consent of the board of railroad commissioners and upon such terms as said board upon hearing prescribes, enter its railroad upon, unite the same with and use the railroad of the other; and if a railroad corporation whose

Connecting railroad companies may use each other's roads.
1845, 191, §§ 1, 2.
1867, 291, §§ 1, 3.
G. S. 63, §§ 118, 119.
1873, 53, § 12;
180, § 3.
1874, 572, § 166.
1876, 162.
P. S. 112, § 216.
E. L. 111, § 272.
12 Gray, 338.

railroad was constructed prior to said day is specially authorized to enter its railroad upon, unite the same with and use the railroad of another corporation, each of such corporations may enter upon, unite its railroad with and use the railroad of the other; but no locomotive engine or other motive power which is not owned and controlled by the corporation owning or lawfully operating the railroad shall be allowed to run upon a railroad except with the consent of such corporation.

Compensation
for drawing
cars, etc.

1845, 191, § 2.
1857, 291, §§ 1, 2.
G. S. 63, § 117.
1874, 372, § 166.
P. S. 112, § 217.
R. L. 111, § 273.
12 Gray, 366.
14 Allen, 469.

SECTION 206. If two corporations are authorized as in the preceding section each to enter with its railroad upon, unite the same with and use the railroad of the other, each of them shall at reasonable times and for a reasonable compensation draw over its railroad the passengers, merchandise and cars of the other, and each of them shall for a reasonable compensation provide upon its railroad convenient and suitable station accommodations for the passengers and merchandise of the other corporation passing to and over it, and shall receive and deliver the same in the manner in which it receives and delivers its own passengers and freight.

—determina-
tion of rates of.

1845, 191, §§ 2-4.
1857, 291, § 2.
1858, 10.
G. S. 63, §§ 117,
118.
1869, 408, § 5.
1872, 180, § 4.
1874, 372, § 167.
P. S. 112, § 218.
R. L. 111, § 274.
9 Cush. 369.
14 Gray, 363,
366.

SECTION 207. If the corporations cannot agree upon the stated periods at which the cars of one shall be drawn over the railroad of the other, and upon the compensation to be paid therefor, or upon the terms and conditions upon which accommodations shall be furnished for the passengers and merchandise of the other, or if two corporations operating railroads of different gauges cannot agree as to the requisite terminal accommodations, or as to the manner in which freight and passengers shall be transferred from one railroad to the other and forwarded, the board of railroad commissioners, upon the petition of either party and after notice to the other, shall hear the parties, and determine, having reference to the convenience and interest of the corporations and of the public to be accommodated thereby, the stated periods for drawing cars, the compensation therefor, the terms and conditions for passengers and merchandise, or the requisite terminal accommodations and manner of transferring passengers and freight as aforesaid; and, upon the application of either party, shall determine all questions between the parties relative to the transportation of freight and passengers and other business upon and connected with said railroads in which they are jointly interested and the manner in

which the business shall be done, and shall apportion to the corporations their respective shares of the expenses, receipts and income of the same; and the award of the board of railroad commissioners shall be binding upon the respective corporations for one year and thereafter until the said board revises the same; and the compensation of said board for services and expenses under the provisions of this section shall be paid by the respective corporations in such proportions as said board shall determine and set forth in its award. Upon the request in writing of a party affected thereby, filed with said board within thirty days after the rendering thereof, the award shall be filed in the supreme judicial court which shall have jurisdiction to revise it as if it had been made by a commission appointed by said court.

SECTION 208. A railroad corporation which is created by the laws of another state shall have all the rights and privileges relative to connecting railroads, under the provisions of the three preceding sections, of a corporation which is created by the laws of this commonwealth.

Connecting roads chartered by other states.
1880, 201.
1874, 372, § 188.
P. S. 112, § 219.
R. L. 111, § 275.

SECTION 209. Two railroad corporations, which are incorporated under the laws of this commonwealth, and whose railroads enter upon or connect with each other, may contract that either corporation shall perform all the transportation upon and over the railroad of the other; and any such corporation may lease its railroad to any other such corporation; but the facilities for travel and business on either of the railroads of said corporations shall not thereby be diminished. Such leases shall be upon such terms as the directors agree, and as a majority in interest of the stockholders of both corporations at meetings called for the purpose approve, subject to the provisions of section two hundred and seven. The income arising from such contracts or leases shall be subject to the provisions of law relative to the right of the commonwealth to purchase the railroads of the railroad corporations or to reduce their tolls, in the same manner as that arising from the use of the railroads. Copies of such contracts or leases shall be deposited with the board of railroad commissioners, and full statements of the facts shall be set forth in the next annual return of such corporations. The provisions of this section shall not authorize a lease or contract between two railroad corporations, each of which has a terminus in the city of Boston. The railroads

Connecting companies may contract that one shall perform all transportation for the other.
1888, 99, §§ 1-3.
G. S. 68, §§ 115, 116.
1873, 180, § 1.
1873, 861.
1874, 372, § 170.
1880, 205, § 1.
P. S. 112, §§ 220, 221.
1894, 506, § 1.
R. L. 111, § 278.
10 Gray, 103.
5 Allen, 230.
8 Allen, 438.
[1 Op. A. G. 118.]

of two railroad corporations shall be considered to enter upon or connect with each other, within the meaning of this section, if one of such railroads enters upon, connects with, or intersects a railroad leased to the other or operated by it under a contract as herein authorized.

Term of lease
not to exceed
ninety-nine
years, etc.
1880, 205, § 2.
P. S. 112, § 223.
E. L. 111, § 277.

SECTION 210. A railroad corporation shall not lease or contract for the operation of its railroad for a period of more than ninety-nine years without the consent of the general court; but the provisions of this section shall not render invalid a lease which was approved by the stockholders of a corporation before the first day of July in the year eighteen hundred and eighty.

TAXATION.

Corporate Franchise Tax.

Annual
returns to tax
commissioner.
1864, 208, §§ 2, 3.
1865, 238, § 3.
1880, 117, § 2.
P. S. 13, § 38.
1885, 238, § 1.
1886, 270.
1888, 413, § 24.
1890, 417, § 78,
§ 2.
E. L. 14, § 37.
12 Allen, 75.
98 Mass. 25.
189 Mass. 561.
144 Mass. 508.
146 Mass. 408.
157 Mass. 70.
[1 Op. A. G.
278.]

SECTION 211. Every railroad corporation organized under general or special laws of the commonwealth, in addition to all returns required by its charter, shall annually, between the first and tenth days of May, return to the tax commissioner, under the oath of its treasurer, a complete list of its shareholders, their residences, the number of shares belonging to each, the amount of the capital stock of the corporation, its place of business and the par value and market value of the shares made up as of said first day of May. If stock is held as collateral security, such return shall state the name and residence of the pledgor and of the pledgee. It shall also contain a statement in detail of the works, structures, real estate and machinery owned by said corporation and subject to local taxation within the commonwealth, and of the location and value thereof. A railroad corporation, whether chartered or organized in this commonwealth or elsewhere, shall also state in its return the whole length of its lines, and so much of the length of its lines as is without the commonwealth.

Valuation of
corporate fran-
chise, etc.
Deductions.
1864, 208, §§ 3, 6.
1865, 238, §§ 4, 5.
1880, 117, § 2.
P. S. 13, §§ 39,
40.
1885, 238, § 1.
1886, 270.
1888, 417.
E. L. 14, § 38.
13 Allen, 391.
98 Mass. 19, 25.
100 Mass. 184,
399.

SECTION 212. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares of each railroad corporation, and shall estimate therefrom the fair cash value of all of said shares constituting its capital stock on the preceding first day of May, which, unless by the charter of the corporation a different method of ascertaining such value is provided, shall, for the purposes of this act, be taken as the true value of its corporate franchise. From such value there shall be

deducted, in case of a railroad corporation, whether chartered or organized in this commonwealth or elsewhere, so much of the value of its capital stock as is proportional to the length of that part of its line, if any, lying without the commonwealth; and also the value of its real estate and machinery subject to local taxation within the commonwealth.

125 Mass. 568.
137 Mass. 80.
139 Mass. 561.
144 Mass. 598.
146 Mass. 408.
152 Mass. 372.
167 Mass. 70.
167 Mass. 522.
163 U. S. 1.

For the purposes of this section, the tax commissioner may take the value at which such real estate and machinery is assessed at the place where it is located as the true value, but such local assessment shall not be conclusive of the true value thereof.

SECTION 213. The tax commissioner may require the corporation to prosecute an appeal from the valuation of its real estate or machinery by the assessors of a city or town, either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

Corporation to appeal from local valuation, when.
1885, 283, § 6.
P. S. 12, § 41.
1890, 137, § 7.
1898, 417.
R. L. 14, § 39.

SECTION 214. Every railroad corporation shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section two hundred and twelve, at a rate determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter; but if the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to said secretary of the commonwealth, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to said secretary, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

Tax to be paid on corporate franchise.
Rate, how determined.
1864, 208, § 5.
1865, 283, § 5.
1880, 117, § 2.
P. S. 12, § 40.
1885, 238, § 1.
1886, 270.
1888, 413, § 24.
1898, 417.
R. L. 14, § 40.
12 Allen, 75.
228.
98 Mass. 19, 25.
99 Mass. 146.
151.
105 Mass. 527.
135 Mass. 569.
137 Mass. 80.
139 Mass. 561.
146 Mass. 408.
157 Mass. 70.
167 Mass. 522.
6 Wallace, 632.
178 U. S. 120.

SECTION 215. If the value of the real estate and machinery of a railroad corporation subject to local taxation within the commonwealth, as determined by the tax com-

Remedy of corporation when assessors' valuation of real estate

exceeds tax
commissioner's.
1865, 288, § 6.
P. S. 13, § 41.
1888, 417.
R. L. 14, § 42.
137 Mass. 81.
146 Mass. 408.
152 Mass. 384.
167 Mass. 522.

missioner, is less than the value thereof as determined by the assessors of the place where it is situated, he shall give notice of his determination to such corporation; and, unless within one month after the date of such notice it applies to said assessors for an abatement, and, upon their refusal to grant an abatement, prosecutes an appeal under the provisions of section seventy-seven of chapter twelve of the Revised Laws, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said corporation.

Exemption and Apportionment.

Exemption
from local
taxation.
Apportion-
ment.
1864, 208, §§ 3,
15.
1865, 288, § 15.
1866, 291, § 2.
P. S. 13, § 57.
1887, 228.
1888, 413, § 23.
1898, 417; 578,
§§ 4, 26.
1900, 413, § 5.
1901, 413, § 4.
R. L. 14, § 61.
135 Mass. 569.
139 Mass. 559.

SECTION 216. No taxes shall be assessed in a city or town for state, county or town purposes, upon the shares in the capital stock of a railroad corporation for any year for which it pays to the treasurer and receiver general a tax on its corporate franchise. Such proportion of the tax collected of each railroad corporation as corresponds to the proportion of its stock owned by persons residing in this commonwealth shall be distributed, credited and paid to the several cities and towns, in which, from the returns or other evidence, it appears that such persons resided on the preceding first day of May, according to the number of shares so held in such cities and towns respectively. If stock is held by co-partners, guardians, executors, administrators or trustees, the proportion of tax corresponding to the amount of stock so held shall be credited and paid to the cities and towns where the stock would have been taxed under the provisions of clauses four, five, six and seven of section twenty-three and section twenty-seven of chapter twelve of the Revised Laws. If a city or town owns such stock, a return to said city or town shall be made as if it were owned by persons resident therein.

Tax commis-
sioner to deter-
mine amounts
due to cities
and towns.
1865, 283, § 15.
P. S. 13, § 58.
1898, 578, §§ 4, 5.
R. L. 14, § 62.

SECTION 217. The tax commissioner shall, subject to appeal to the board of appeal, ascertain and determine the amount due to each city and town under the provisions of the preceding section, notify the treasurer of each city and town thereof, and certify the amount as finally determined to the treasurer and receiver general, who shall thereupon pay over the same.

LIENS FOR LABOR AND MATERIALS.

SECTION 218. A person to whom a debt is due for labor performed or for materials furnished and actually used in constructing a railroad under a contract with a person other than the railroad corporation, who has authority from or is rightfully acting for such corporation in furnishing such labor or materials shall have a right of action against such corporation to recover such debt with costs, except as provided in the four following sections.

Action against owner of railroad for labor and materials. 1873, 353, § 1. P. S. 112, § 143. R. L. 111, § 164. 115 Mass. 580. 121 Mass. 510.

SECTION 219. A person who has contracted to construct the whole or a specified part of such railroad shall not have such right of action.

R. L. 111, § 165.

Contractor not to have such action. 1873, 353, § 2. P. S. 112, § 144.

SECTION 220. A person shall not have such right of action for labor performed, unless, within thirty days after ceasing to perform it, he files in the office of the clerk of a city or town in which any of said labor was performed a written statement, under oath, of the amount of the debt so due to him and of the name of the person or persons for whom and by whose employment the labor was performed. Such right of action shall not be lost by a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is named in said statement as due to him, with interest thereon.

Statement of amount of debt to be filed. 1873, 353, § 3. P. S. 112, § 145. R. L. 111, § 166. 127 Mass. 101.

SECTION 221. A person shall not have such right of action for materials furnished, unless, before beginning to furnish them, he files in the office of the clerk of the city or town in which any of the materials were furnished a written notice of his intention to claim such right, in the manner provided for filing the statement named in the preceding section.

Notice of intention to be filed. 1873, 353, § 4. P. S. 112, § 146. R. L. 111, § 167.

SECTION 222. Such action shall not be maintained unless it is begun within sixty days after the plaintiff ceased to perform such labor or to furnish such materials.

Limitation of actions. 1873, 353, § 5. P. S. 112, § 147. R. L. 111, § 168. 127 Mass. 101.

CHANGE OF NAME.

SECTION 223. Upon the application of any railroad corporation, authorized by a vote of two thirds of the stockholders present and voting at a meeting called for the purpose, the board of railroad commissioners may, after public notice and a hearing, authorize such corporation to change its name.

Change of name. 1891, 360, §§ 1, 2, 6. 1892, 196, 201. 1895, 104. 1896, 474, § 9. 1899, 164; 443, § 9. 1901, 493, § 9. R. L. 109, § 9.

Change of
name, certifi-
cate of, to be
filed with
secretary.
1891, 380, §§ 3, 6.
R. L. 109, § 10.

SECTION 224. A certified copy of such authorization and a certificate of the vote of the corporation, signed and sworn to by the president, treasurer and a majority of the directors, shall be filed in the office of the secretary of the commonwealth. The board of railroad commissioners shall require public notice to be given of the change so authorized; and upon receipt of proof thereof the secretary of the commonwealth may grant a certificate of the name which the corporation shall bear, which, subject to the provisions of section fourteen, shall thereafter be its legal name.

Rights and
liabilities
under new
name.
1891, 380, § 4.
R. L. 109, § 11.

SECTION 225. A railroad corporation shall have the same rights, powers and privileges, and be subject to the same duties, obligations and liabilities, under its new name as before its name was changed, and may sue and be sued by its new name; but any action brought against it by its former name shall not be defeated on that account, and, on motion of either party, the new name may be substituted therefor.

DISSOLUTION.

Dissolution of
corporations.
1892, 55, §§ 1, 3.
G. S. 68, § 35.
P. S. 105, § 40.
R. L. 109, § 52.
7 Gray, 119, 398.
9 Gray, 84.
13 Allen, 497.
99 Mass. 267.
119 Mass. 447.

SECTION 226. If a majority in interest of the stockholders of a railroad corporation desire to close its affairs, they may file a petition therefor in the supreme judicial court or the superior court, setting forth in substance the grounds of their application, and the court, after notice to parties interested and a hearing, may decree a dissolution of said corporation. A corporation so dissolved shall be held to be extinct in all respects as if its corporate existence had expired by its own limitation.

Continuation
for three years
to close con-
cerns.
1819, 43.
R. S. 44, § 7.
G. S. 68, § 36.
P. S. 105, § 41.
R. L. 109, § 53.
16 Mass. 245.
22 Pick. 180.
23 Pick. 345.
123 Mass. 33.
161 Mass. 443.

SECTION 227. Every railroad corporation whose charter expires by its own limitation or is annulled by forfeiture or otherwise, or whose corporate existence for other purposes is terminated in any other manner, shall nevertheless be continued as a body corporate for three years after the time when it would have been so dissolved, for the purpose of prosecuting and defending suits by or against it, and of enabling it gradually to settle and close its affairs, to dispose of and convey its property, and to divide its capital stock, but not for the purpose of continuing the business for which it was established.

Receivers.
1833, 145.
R. S. 44, §§ 8, 9.
1852, 55, § 2.
G. S. 68, §§ 37,
38.
P. S. 105, §§ 42,
43.
1894, 208.

SECTION 228. If the charter of a railroad corporation expires, or is annulled, or if the corporation is dissolved as provided in section two hundred and twenty-six, or if its corporate existence for other purposes is terminated in any other manner, the supreme judicial court or the supe-

rior court, upon application of a creditor or stockholder, shall have jurisdiction in equity to appoint one or more receivers to take charge of its estate and effects, and to collect the debts and property due and belonging to it; with power to prosecute and defend suits in its name or otherwise, to appoint agents under them, and to do all other acts which might be done by such corporation, if in being, which may be necessary for the final settlement of its unfinished business. The powers of such receivers may be continued as long as the court finds necessary for said purposes.

R. L. 109, § 54.
157 Mass. 81.

SECTION 229. The receivers shall pay all debts due from the corporation, if the funds in their hands are sufficient therefor; and if they are not, they shall distribute them ratably among the creditors who prove their debts in the manner directed by any decree of the court for that purpose. If there is a balance remaining after the payment of the debts, the receivers shall distribute and pay it to those who are justly entitled thereto as having been stockholders of the corporation, or their legal representatives.

Receivers
to pay debts
and distribute
surplus.
1888, 145.
R. S. 44, § 10.
1862, 55, § 2.
G. S. 68, § 30.
P. S. 106, § 44.
R. L. 109, § 55.
1 Gray, 382.

SECTION 230. If a petition, signed and sworn to by a majority in interest of the stockholders of a railroad corporation organized under the general laws, has, with the certificate of incorporation, been filed in the office of the secretary of the commonwealth, stating that such stockholders desire to surrender the certificate of incorporation and to have the corporation dissolved and giving their reasons therefor, the secretary, if he considers such reasons sufficient, shall require the petitioners to publish a notice in one or more newspapers in the county in which the principal office of the corporation is located, that, for reasons which appear to him to be sufficient, the certificate of incorporation of the corporation therein named is annulled. Upon the filing by the petitioner with the secretary of a copy of each newspaper in which the notice of dissolution was ordered to be published, the corporation shall be dissolved, subject to the provisions of the three preceding sections.

Surrender of
certificate of
incorporation.
1898, 502.
R. L. 109, § 56.

SECTION 231. If a railroad corporation is dissolved, the clerk of the court in which the decree for dissolution is entered shall forthwith make return thereof to the secretary of the commonwealth, giving the name of the corporation dissolved, and the date upon which such decree was entered.

Returns to
secretary of
dissolution.
1880, 157.
P. S. 105, § 45.
R. L. 109, § 57.

OFFENCES AND PENALTIES.

Walking on
track.
1863, 414, § 4.
G. S. 68, § 102.
1874, 872, § 148.

SECTION 232. Whoever without right knowingly stands or walks on a railroad track shall forfeit not less than five nor more than fifty dollars.

P. S. 112, § 196.

R. L. 111, § 249.

143 Mass. 300.

Loitering in
station.
1874, 872, § 149.
1878, 180, § 1.
P. S. 112, § 196.
R. L. 111, § 250.
1906, 210.

SECTION 233. Whoever without right loiters or remains within a station house of a railroad corporation, or of the Boston Terminal Company, or upon the platform or grounds adjacent to such station, after being requested to leave the same by a police officer or by a railroad police officer, shall forfeit not less than two nor more than twenty dollars.

Unlawful
riding upon
locomotive,
etc.
1906, 208.

SECTION 234. Whoever, without right, rides or attempts to ride upon a locomotive engine, tender, freight car, caboose, or other conveyance not a part of a passenger train, upon a railroad or upon the property of the Boston Terminal Company, after being requested to leave the same by an employee of the railroad or of said Boston Terminal Company, or by a police officer, shall be punished by a fine of not more than fifty dollars or imprisonment for not more than six months. A sheriff, deputy sheriff, constable, police officer, railroad police officer, or officer appointed with the powers of a railroad police officer, upon view of such an offence, may, without warrant, arrest the offender and make complaint against him therefor.

Riding or
driving beast
on a railroad.
R. S. 89, § 86.
G. S. 68, § 103.
1874, 872, § 151.
P. S. 112, § 198.
R. L. 111, § 252.

SECTION 235. Whoever, without the consent of a railroad corporation, or its agent, rides, drives, or leads a horse, or other beast, on the railroad opened for use of such corporation, except in the proper use of a highway or other way, or of a travelled place at a crossing of such railroad therewith upon the same level, shall forfeit not more than one hundred dollars for each offence, and be liable for any damage which results therefrom.

Negligence
in permitting a
beast upon
railroad.
R. S. 89, § 86.
G. S. 68, § 104.
1874, 872, § 152.
P. S. 112, § 199.
R. L. 111, § 253.

SECTION 236. The person through whose fault or negligence a horse or other beast goes at large within the limits of a railroad opened for use, shall forfeit not more than twenty dollars for each offence, and be liable for any damage which results therefrom.

Neglect to
close gates at
private cross-
ing.
1882, 128.

SECTION 237. Whoever enters upon or crosses a railroad at a private way which is closed by gates or bars, and neglects to close them securely, shall forfeit not less

than two nor more than ten dollars for each offence, and be liable for any damage which results therefrom.

1874, 872, § 183.
P. S. 112, § 200.
R. L. 111, § 254.

SECTION 238. Whoever maliciously injures a railroad, or anything pertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment, and shall for each offence forfeit to the use of the corporation treble the amount of damages which it has sustained thereby.

Malicious injury to railroad, etc.
R. S. 39, § 77.
G. S. 68, § 105.
1874, 872, § 154.
P. S. 112, § 201.
R. L. 111, § 255.

SECTION 239. Whoever wilfully obstructs, or aids or abets in obstructing, or wilfully does or causes to be done anything with the intent to obstruct, the passing of an engine or car upon a railroad, or wilfully endangers, or aids or abets in endangering, or wilfully does or causes to be done anything with the intent to endanger, the safety of persons conveyed in or upon the same, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the state prison for not more than twenty years, or by both such fine and imprisonment, and shall for each offence forfeit to the use of the corporation treble the amount of damages which it has sustained thereby.

Obstructing engine or car, etc.
R. S. 89, § 77.
1850, 44.
1852, 185, §§ 1, 2.
G. S. 63, §§ 105, 106, 107, 108.
1874, 872, §§ 154, 155, 156, 157.
P. S. 112, §§ 201, 202, 203, 204.
1890, 532.
R. L. 111, §§ 255, 256, 257, 258.
109 Mass. 345.
105 Mass. 53.

SECTION 240. Whoever wilfully and maliciously stops a train on a railroad or causes it to be stopped for the purpose of entering, leaving or wantonly delaying the same shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month.

Wilfully stopping train.
1879, 177.
P. S. 112, § 205.
R. L. 111, § 259.
109 Mass. 345.

SECTION 241. Whoever unlawfully uses, removes or tampers with any tools or appliances carried on the cars of a railroad corporation as required by section one hundred and sixty-eight shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months, or by both such fine and imprisonment.

Tampering with tools.
1882, 54, § 2.
R. L. 111, § 261.

ACCIDENTS.

SECTION 242. If, upon the trial of an action against a city or town, the plaintiff recovers damages for an injury to his person or property which was caused by reason of a defect in a highway, within the location of a railroad, and if the corporation which owns the railroad is liable for such damages, and has had reasonable notice to defend the

Liability to town for personal injury.
1874, 872, § 160.
P. S. 112, § 209.
R. L. 111, § 264.

action, the city or town may recover such damages and the costs of both plaintiff and defendant in the action from the corporation.

Penalty on
engineer, etc.,
for negligence.
1837, 226, § 7.
G. S. 63, § 95.
1874, 372, § 161.
P. S. 112, § 210.
R. L. 111, § 263.

SECTION 243. If an engineer, fireman or other agent of a railroad corporation is guilty of negligence whereby an injury is done to a person or corporation, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than twelve months.

— for gross
negligence in
management
of trains.
1853, 418.
G. S. 63, § 96.
1874, 372, § 162.
P. S. 112, § 211.
R. L. 111, § 266.

SECTION 244. Whoever, having the management of or control of a railroad train while being used for the common carriage of persons, is guilty of gross negligence in or in relation to the management or control thereof, shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than three years.

Liability for
damages in
case of col-
lision at grade
crossings, etc.
1871, 352.
1874, 372, § 164.
1881, 189, §§ 2,
5, 6.
P. S. 112, § 213.
R. L. 111, § 268.
120 Mass. 372.
125 Mass. 64.
129 Mass. 440.
133 Mass. 383,
491.
145 Mass. 286.
146 Mass. 241.
154 Mass. 402.
159 Mass. 498.
163 Mass. 133.
172 Mass. 98.
183 Mass. 338.
186 Mass. 474.
187 Mass. 84.
188 Mass. 127,
547.

SECTION 245. If a person is injured in his person or property by collision with the engines or cars of a railroad corporation at a crossing such as is described in section one hundred and forty-seven, and it appears that the corporation neglected to give the signals required by said section, and that such neglect contributed to the injury, the corporation shall be liable for all damages caused by the collision, or to a fine recoverable by indictment as provided in section sixty-three of Part I, or, if the life of a person so injured is lost, to damages recoverable in an action of tort, as provided in said section, unless it is shown that, in addition to a mere want of ordinary care, the person injured or the person who had charge of his person or property was, at the time of the collision, guilty of gross or wilful negligence, or was acting in violation of the law, and that such gross or wilful negligence or unlawful act contributed to the injury.

Non-liability
for acts of
expressmen.
1894, 469, § 3.
R. L. 111, § 269.
170 Mass. 464.
See R. L. 70, § 8.

SECTION 246. A railroad corporation shall not be liable to any person for personal injuries which may be caused by the acts or omissions of any persons or companies who do an express business over its railroad or of their servants or agents.

Loss by fire
caused by
engine.
1837, 226, §§ 9,
10.
1840, 85, § 1.
G. S. 63, § 101.
1894, 229, § 34.
1871, 381, § 45.
1874, 372, § 106.
P. S. 112, § 214.
1895, 283.
R. L. 111, § 270.
13 Met. 95.
4 Cush. 288.

SECTION 247. Every railroad corporation shall be liable in damages to a person or corporation whose buildings or other property may be injured by fire communicated by its locomotive engines, and shall have an insurable interest in the property upon its route for which it may be so held liable, and may procure insurance thereon in its own behalf. If it is held liable in damages, it shall be entitled to the benefit of any insurance effected upon

such property by the owner thereof, less the cost of premium and expense of recovery. The money received as insurance shall be deducted from the damages, if recovered before they are assessed; and if not so recovered, the policy of insurance shall be assigned to the corporation which is held liable in damages, and it may maintain an action thereon.

179 Mass. 524.

181 Mass. 551.

184 Mass. 150.

185 U. S. 1.

16 Gray, 71.
2 Allen, 331.
6 Allen, 87.
8 Allen, 438.
98 Mass. 414,
422.
103 Mass. 533.
118 Mass. 543.
121 Mass. 134.
145 Mass. 139.
169 Mass. 308.
171 Mass. 245.

BOOKS AND RETURNS.

SECTION 248. A railroad corporation shall keep its books and accounts in the manner prescribed by the board of railroad commissioners, and shall at all times submit its books to the inspection of said board or of any committee of the general court which may be authorized to inspect them; and the directors shall annually, on or before the first Wednesday of September, transmit to the said board a report of their doings for the year ending on the thirtieth day of June preceding, which shall be called the annual return and which shall be sworn to by them and by the treasurer and the chief accounting officer of the corporation. Such return shall state whether any fatal accident or serious injury has occurred to a passenger or other person upon the railroad during the year, and, if so, the cause of such accident or injury and the circumstances under which it occurred; shall set forth copies of all contracts or leases made with other railroad corporations during the year, and specify the receipts and expenditures under the same; and shall include a detailed statement of all particulars relative to the railroad, its business, receipts and expenditures during the year, in such form as shall be prescribed by said board under the provisions of section twenty of Part I. The books of each corporation shall be so kept that returns may be made in exact conformity with the form so prescribed; and the accounts shall be closed on the thirtieth day of June in each year, so that a balance sheet of that date can be taken therefrom and included in the return. Every railroad corporation, which neglects to make said annual return within the time prescribed in this section, or to amend said return within fifteen days, when required by the board of railroad commissioners as provided in said section twenty, shall forfeit, for every such neglect, fifty dollars for each day during

Books, accounts and annual returns.
R. S. 39, § 82.
1837, 226, § 5.
1838, 99, § 2.
1841, 69.
1849, 191, §§ 1, 4.
1851, 102, § 1.
1854, 423.
1856, 165.
1857, 40, § 5;
168; 240, § 2.
1858, 46, § 8.
G. S. 63, §§ 132-134.
1862, 135, §§ 1, 2.
1863, 224, § 1.
1864, 167, § 4.
1868, 419.
1870, 307, § 1;
383.
1871, 381, § 52.
1873, 194.
1874, 372, § 171.
1876, 173, 186, § 1.
P. S. 112, § 81.
1880, 324, § 1.
R. L. 111, § 83.

Penalty for neglect to make annual return.
R. S. 39, § 82.
1851, 102, § 2.
1857, 40, § 6.
G. S. 63, § 135.
1863, 224, § 2.
1864, 167, § 2.
1874, 372, § 174.

P. S. 112, § 84.
R. L. 111, § 87.

which such neglect continues; and if such corporation unreasonably refuses or neglects to make said return, it shall forfeit for every such refusal or neglect not more than five thousand dollars.

Quarterly re-
turns.
1889, 241.
1898, 131.
R. L. 111, § 86.

SECTION 249. Every railroad corporation which operates a railroad within this commonwealth shall, within fifty days after the expiration of each quarter of the calendar year, transmit to the board of railroad commissioners a quarterly statement of its business and financial condition, in such form and with such detail as said board may require, which shall at reasonable times be open to public inspection. A railroad corporation which neglects to comply with the provisions of this section shall forfeit fifty dollars for each day during which such neglect continues.

Lessee of road
to make re-
turns required
of lessor.
1864, 167, § 3.
1867, 127.
1874, 372, § 178.
P. S. 112, § 88.
R. L. 111, § 86.

SECTION 250. Every railroad corporation shall, during the continuance of any lease which it has taken of the railroad of another corporation, make all the returns required of the lessor; and during the continuance of such lease, the lessor shall not be required to make such returns, if, when requested by the lessee, the lessor furnishes all the information in its possession needed to make such returns; but if a railroad in this commonwealth is leased to a lessee in another state, the lessors in this commonwealth shall make the annual return.

RAILROADS FOR PRIVATE USE.

Railroads for
private use.
1871, 232.
1874, 372, §§ 175,
176.
P. S. 112, §§ 223,
224.
R. L. 111, § 279.
156 Mass. 169.
178 Mass. 363.

SECTION 251. A person or corporation may construct a railroad for private use in the transportation of freight; but shall not take or use lands or other property therefor without the consent of the owner thereof. No such railroad shall be connected with the railroad of another corporation without its consent; nor shall it be constructed across or upon a highway, town way or travelled place without the consent of the board of aldermen of the city or selectmen of the town, nor except in a place and manner approved by them. If the board of aldermen or selectmen consent, they shall from time to time make such regulations relative to motive power, rate of speed, and time and manner of using the railroad over and upon such way or travelled place, as in their judgment the public safety and convenience require, and they may order such changes to be made in the track as are rendered necessary by the

alteration or repair of such way. If they allow steam power to be used on such railroad, the provisions of this act relative to the crossing of ways and travelled places by railroad corporations shall apply to such railroad, and to the person or corporation constructing or operating the same.

SECTION 252. If the consent of the board of railroad commissioners is required for the crossing of a way or travelled place by a railroad for private use, it may limit the number of tracks, and may impose other conditions relative to the use of the crossing by said railroad, and may modify such limitations and conditions.

Regulation of crossings.
1890, 382.
R. L. 111, § 280.

CORPORATIONS TO CONSTRUCT RAILROADS IN FOREIGN COUNTRIES.

SECTION 253. Fifteen or more persons, a majority of whom are inhabitants of this commonwealth, may associate themselves by a written agreement of association, with the intention of forming a corporation to construct and operate a railroad, or railroad and telegraph, in any foreign country, but in accordance with the laws of such country; and, upon complying with the provisions of section two hundred and fifty-five, shall, with their associates and successors, be a corporation for the purpose aforesaid, with the powers necessary and incident thereto, and with such powers and privileges, and subject to such duties, liabilities and restrictions, as to the location, construction, maintenance and operation of its railroad, or railroad and telegraph, and the transfer of its property by mortgage, lease or otherwise, as may be fixed by such country.

Corporation to construct railroads in foreign countries.
1879, 274, § 1.
P. S. 112, § 225.
R. L. 111, § 281.

SECTION 254. The agreement of association shall state: —

Agreement of association.
1879, 274, § 2.
P. S. 112, § 226.
R. L. 111, § 282.

(a) That the subscribers thereto associate themselves with the intention of forming a railroad corporation, or a railroad and telegraph corporation.

(b) The corporate name assumed.

(c) The termini of the railroad, or the railroad and the telegraph.

(d) The total amount of the capital stock of the corporation.

(e) The names and residences of at least five persons, who shall be subscribers to the agreement of association, to

act as directors until others are chosen and qualified in their stead.

Each associate shall subscribe to the agreement of association his name, residence, post office address, and the number of shares of stock which he agrees to take; but no subscriber shall be bound to pay more than ten per cent of the amount of his subscription, unless a corporation is chartered.

Certificate of compliance with requirements. 1879, 274, § 3. P. S. 112, § 227. R. L. 111, § 238.

SECTION 255. When it is shown to the satisfaction of the board of railroad commissioners that the requirements of the two preceding sections have been complied with, the clerk of said board, upon its order, shall annex to the agreement of association a certificate setting forth that fact. The directors shall thereupon file the agreement of association and certificate in the office of the secretary of the commonwealth, who, upon the payment to him of a fee of fifty dollars, shall receive and preserve the same in form convenient for reference and open to public inspection; and shall thereupon issue a certificate of incorporation substantially in the following form: —

COMMONWEALTH OF MASSACHUSETTS.

Form of certificate.

Be it known, that whereas [names of the subscribers to the agreement of association] have associated themselves with the intention of forming a corporation, under the name of the [name of the corporation], for the purpose of locating, constructing, maintaining and operating a railroad [or railroad and telegraph] [description of the railroad or railroad and telegraph as in the agreement of association], and have complied with the statutes of this commonwealth in such cases made and provided: Now, therefore, I, _____, secretary of the commonwealth of Massachusetts, do hereby certify that the persons aforesaid, their associates and successors, are legally established as a corporation, under the name of the [name of the corporation], with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws applicable to such corporations.

In witness whereof, I have hereunto subscribed my official signature, and affixed the Great Seal of said commonwealth, this _____ day of _____, in the year _____ [day, month and year].

The secretary of the commonwealth shall sign the certificate of incorporation and cause the Great Seal of the commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The secretary of the commonwealth shall also cause a record of

the certificate of incorporation to be made, and such certificate, or such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

SECTION 256. The corporation may from time to time, at a meeting of directors called for the purpose, reduce the amount of the capital stock, or increase it for the purpose of constructing and equipping its railroad and extensions or branches thereof. If such increase or reduction is made, a certificate of the fact, signed by the president of the corporation, shall, within thirty days thereafter, be filed in the office of the secretary of the commonwealth. Such corporation may, by vote at a meeting of its directors, purchase, acquire or lease the property, stocks, bonds or securities of any railroad corporation whose line is located in the foreign country named in the original agreement of association of such corporation or any amendment thereof made as hereinafter provided, or of any steamship company associated in transportation or business with such corporation, upon such terms and for such consideration as shall be determined by such vote, and in like manner may appoint an executive committee from the members of its board, and delegate to such committee such power and authority as by such vote shall be provided, and in like manner may divide the directors into classes as nearly equal as possible for the prescribed number of classes, and prescribe the tenure of office of the several classes, but no class shall be elected for a shorter period than one year or for a longer period than five years, and the term of office of at least one class shall expire at the next annual meeting and thereafter at the end of each year, and at each annual meeting after such division directors shall be elected only to fill the place of those whose term of office shall then expire as so provided and shall hold office for the period so prescribed, and all directors shall hold office until their successors are chosen and qualified; and such corporation may, by vote at an annual or a special meeting of its stockholders, called for the purpose, amend its agreement of association to provide for constructing and operating a railroad in any other foreign country or countries in accordance with the laws of such country or countries, and shall file such amendment in the office of the secretary of the commonwealth and pay him a fee of fifty dollars, and thereupon such corporation shall have the same powers and privileges, and be subject to the same duties, liabili-

Increase or
reduction of
capital stock.
1879, 274, § 4.
P. S. 112, § 228.
R. L. 111, § 224.
1904, 169, § 1.

ties and restrictions, in all respects, as if its agreement of association had originally contained such amendment.

Statutes gov-
erning such
corporation.
1879, 274, §§ 5, 6.
P. S. 112, § 229.
R. L. 111, § 286.
1904, 169, § 2.
Repeal.

SECTION 257. Such corporation shall be subject to the provisions of sections twenty-nine to forty-one, inclusive, forty-three to forty-five, inclusive, and of section fifty-eight, except as otherwise provided herein. 139 Mass. 562.

SECTION 258. Chapter one hundred and eleven of the Revised Laws, except section one hundred and fifty-eight thereof, section thirteen of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, chapters fifty-nine and one hundred and sixty-nine of the acts of the year nineteen hundred and four, chapters two hundred and eight and two hundred and ten of the acts of the year nineteen hundred and five, and chapter two hundred and eighty-three of the acts of the year nineteen hundred and six, and, so far only as they apply to railroads or railroad corporations, their officers, agents or employees, sections thirty-seven, thirty-eight, thirty-nine, forty, forty-two, sixty-one and sixty-two of chapter fourteen of the Revised Laws, sections nine, ten, eleven, fifteen, seventeen, twenty, twenty-one, twenty-four, twenty-five, twenty-seven, twenty-eight, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, forty, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven of chapter one hundred and nine of the Revised Laws, section nineteen of chapter one hundred and ten of the Revised Laws and chapter four hundred and twenty-three of the acts of the year nineteen hundred and three are hereby repealed.

Provisions,
how construed,
etc.
Repeal not to
affect pending
actions, etc.

SECTION 259. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been wholly or partially revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, or any action, suit or proceeding pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the laws repealed; but the proceedings shall, when necessary, conform to the provisions of this act. Any provision of this act by

which a punishment, penalty or forfeiture is mitigated may be extended and applied to any judgment pronounced after said repeal.

PART III.

OF STREET RAILWAY COMPANIES.

SECTION

1. Matters of construction.
2. Companies subject to the provisions of the chapter.
- 3-9. Formation.
- 10-11. Organization.
- 12-13. Officers.
- 14-20. Meetings.
- 21-29. Capital stock.
- 30-41. Corporate powers.
- 42-50. Land.
- 51-57. Lease or sale of railway.
58. Issue of securities by foreign corporations.
- 59-63. Gas and electricity.
64. Extension of location.
65. Alteration of location.
66. Revocation of location.
- 67-69. Street or highway widening.
- 70-72. State highways.

SECTION

- 73-95. Operation.
- 96-102. Fares and accommodations.
103. Increase of capital stock and issue of bonds.
104. Reduction of capital stock.
- 105-106. Stock and scrip dividends.
- 107-113. Issue of capital stock, bonds, coupon notes and other evidences of indebtedness.
- 113-116. Railroad crossings.
- 117-121. Liens for labor and materials.
- 122-124. Change of name.
- 125-137. Taxation.
- 138-143. Dissolution.
- 144-146. Sale by receivers.
- 147-150. Savings banks.
- 151-153. Books, returns and reports.
- 156-157. Additional remedies.

MATTERS OF CONSTRUCTION.

SECTION 1. In this act, unless the context otherwise requires:

"Street railway" or "railway" means a railroad or railway, including poles, wires or other appliances and equipment connected therewith, of the class operated by motive power other than steam, and usually constructed upon the public ways and places.

"Location", as applied to a street railway, means the grant to a street railway company of the right to construct, maintain and operate a street railway in a public way or place.

"Original", as applied to a street railway location in a city or town, means the first location granted to the company in such city or town.

"Extension" means any railway constructed by a street railway company in a city or town in addition to that authorized by its original location therein.

"Board of aldermen", or "selectmen", includes the board or other authority exercising the powers of a board of aldermen or of selectmen; but nothing herein shall be construed as affecting the veto power of a mayor of any city.

"Public way" means any way laid out by public authority.

Definitions.
1874, 372, § 2.
P. S. 112, § 1.
1892, 110.
1898, 578, § 1.
R. L. 111, § 1.

Companies
subject to the
provisions of
the chapter.
1864, 229, §§ 1,
44.
1871, 381, §§ 1,
58.
1874, 29, § 1.
P. S. 113, § 1.
1898, 678, §§ 1,
24.
1900, 197, § 4.
R. L. 112, § 1.
12 Allen, 262.

SECTION 2. Street railway companies shall be subject to the provisions of Parts I and III. Companies which have been specially chartered shall continue to exercise and enjoy the powers and privileges granted and be subject to all the liabilities imposed by their respective charters, except as modified and controlled by any act in amendment thereof or by the provisions of this act. All street railway companies whether organized under general or special laws shall be subject to any other general laws applicable thereto. All provisions of law which may be in force at the time of the enactment hereof and are applicable to the Boston Elevated Railway Company or to companies whose railways were, on the first day of October in the year eighteen hundred and ninety-eight, leased or operated by it, shall remain in full force and effect in respect of said company and companies.

FORMATION.

Formation of
street railway
company.
1874, 29, § 1.
P. S. 113, § 2.

Agreement of
association.
1863, 100.
1864, 229, § 21.
1871, 381, § 27.
1874, 29, §§ 2, 3, 7.
1877, 103.
P. S. 113, §§ 3, 4.
R. L. 109, § 13.
R. L. 112, §§ 3, 4.

SECTION 3. Fifteen or more persons may associate themselves by a written agreement of association with the intention of forming a street railway company. R. L. 112, § 2.

SECTION 4. The agreement of association shall state:

(a) That the subscribers thereto associate themselves with the intention of forming a street railway company.

(b) The corporate name assumed, which shall be one not in use by any other street railway company in this commonwealth, or, in the judgment of the board of railroad commissioners, so similar thereto as to be likely to be mistaken for it, and which shall contain the words, "street railway company", at the end thereof.

(c) The termini of the railway.

(d) The length of the railway, as nearly as may be.

(e) The name of each county, city and town in which the railway is to be located.

(f) The gauge of the railway, which shall be four feet eight and one half inches.

(g) The total amount of the capital stock of the company, which shall be not less than ten thousand dollars for each mile, unless the railway is to be wholly outside of a city, in which case said stock shall be not less than five thousand dollars for each mile.

(h) The par value of the shares, which shall be one hundred dollars.

(i) The names and residences of at least five persons, who shall be subscribers to the agreement of association, to act as directors until others are chosen and qualified in their stead.

Each associate shall subscribe to the agreement of association his name, residence, post office address, and the number of shares of stock which he agrees to take; but no subscriber shall be bound to pay more than ten per cent of the amount of his subscription unless a company is incorporated.

SECTION 5. The directors shall appoint a clerk and a treasurer who shall hold their respective offices until a clerk and a treasurer of the company are chosen and qualified in their stead. The directors shall fill any vacancy in their board, or in the office of clerk or treasurer, before the organization of the company.

Clerk and treasurer; vacancies. 1874, 29, § 4. P. S. 113, § 5. R. L. 112, § 6.

SECTION 6. The directors, before applying for locations for a railway, shall cause a copy of the agreement of association to be published in a newspaper, if any, published in each of the cities and towns in which the railway is to be located, and, if, in any county, a newspaper is published in none of said cities and towns therein, in such newspaper published in said county as shall be designated by the board of railroad commissioners, at least once in each of three successive weeks; and the sworn certificate of the clerk shall be conclusive evidence of such publication.

Publication of agreement of association. 1874, 29, § 5. P. S. 113, § 6. R. L. 112, § 6.

SECTION 7. The board of aldermen of a city or the selectmen of a town, upon the petition by the president, or a majority of the directors, of a street railway company organized or in process of organization under the provisions of this act, or organized under a special act, for an original location of tracks in such city or town, shall give fourteen days' notice of the time and place for a hearing on such petition by publication thereof in one or more newspapers, if any, published in said city or town; otherwise, in such newspaper or newspapers published in the county in which the city or town is situated as shall be designated by the board of aldermen or the selectmen of such city or town; and if, after a hearing, they are of opinion that public necessity and convenience so require, they may grant said location, or any portion thereof, and may prescribe how the tracks shall be laid, and the kind of rails, poles, wires and other appliances which shall be

Location. 1864, 229, § 14. 1871, 381, § 14. 1874, 29, § 6. P. S. 113, § 7. 1888, 578, § 13. R. L. 112, § 7. 1902, 396, 396, 399. 161 Mass. 416. 175 Mass. 518. 179 Mass. 449. 182 Mass. 41. 184 Mass. 294. 185 Mass. 183. 188 Mass. 180, 250. [1 Op. A. G. 392, 489.] [Op. A. G. May 25, 1890.] See R. L. 53, §§ 17, 19. R. L. 212, § 69. R. L. 23, § 11.

Location, etc.

used, and, in addition to the general provisions of law governing such companies, and in respect of matters not treated of in such provisions, impose such other terms, conditions and obligations, incidental to and not inconsistent with the objects of a street railway company, as the public interests may in their judgment require; but no such location shall be valid, until the board of railroad commissioners, after public notice and a hearing, shall certify that such location is consistent with the public interests.

If the board of railroad commissioners requires an alteration in such location before certifying that the same is consistent with the public interests, said board shall notify the board of aldermen or selectmen granting such location of such alteration; and thereafter said board of aldermen or selectmen may amend such location in accordance with such alteration: *provided*, that, if such alteration involves a change in the route of the railway, public notice and a hearing shall be given as hereinbefore provided in the case of an original application for a location; and thereafter the board of railroad commissioners may, as a part of the original proceedings before it, certify that such location so amended is consistent with the public interests. A location so certified to be consistent with the public interests, shall be the true location, if, within thirty days after the issue of notice of said certification to the company, a majority of the directors shall file a written acceptance of such location with the board of aldermen or selectmen. A location granted by a board of aldermen or selectmen, but refused certification hereunder by the board of railroad commissioners, or not accepted as hereinbefore provided, shall be void. Such location shall also be void, if the certificate of incorporation of the street railway company is not issued, and its organization is not completed, within eighteen months after said issue of said notice of said certification, or if application for said certification is not made to the board of railroad commissioners within thirty days after the grant of said location by the board of aldermen or selectmen. If in any city or town the original location of a street railway company expires, is revoked, or otherwise becomes void, the provisions of this section shall apply to a new petition for an original location therein. All locations which were granted or in use before the first day of October in the year eight-

een hundred and ninety-eight are ratified and confirmed as if they had been accepted under the provisions of this section, and shall continue in force, subject only to revocation as provided in section sixty-six, and to the general provisions of law governing such companies.

SECTION 8. When the amount of capital stock named in the agreement of association has been subscribed in good faith by responsible persons, and ten per cent of the par value of each share has been actually paid in cash to the treasurer, the directors, clerk and treasurer shall annex to the agreement of association their certificate setting forth these facts, and that it is intended in good faith to locate, construct, maintain and operate the railway as described in said agreement, shall annex to said agreement the certificate of publication specified in section six and the several certificates of location, and shall present the same for inspection to the board of railroad commissioners.

Presentation of agreement of association, and annexed certificates, to board of railroad commissioners.
1872, 53, § 9.
1874, 372, § 28.
P. S. 112, § 43.
R. L. 111, § 45.
R. L. 112, § 8.

SECTION 9. When it is shown to the satisfaction of the board of railroad commissioners that the requirements of this act preliminary to the incorporation of a company have been complied with, and that locations have been obtained for a railway between the termini and substantially over the route set forth in the agreement of association, the clerk of said board, upon its order, shall annex to the agreement of association a certificate stating such fact. The directors shall thereupon file the agreement of association, with all the certificates annexed thereto, including the plan, if any, required by the board of railroad commissioners, in the office of the secretary of the commonwealth; who, upon the payment to him of a fee of fifty dollars, shall receive and preserve the same in form convenient for reference and open to public inspection; and shall thereupon issue a certificate of incorporation substantially in the following form: —

Certificate of incorporation.
1872, 53, § 10.
1874, 372, § 29.
1881, 161.
P. S. 112, § 44.
R. L. 111, § 46.
R. L. 112, § 8.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [names of the subscribers to the agreement of association] have associated themselves with the intention of forming a corporation under the name of the [name of the company], for the purpose of locating, constructing, maintaining and operating a street railway [description of the railway as in the agreement of association], and have complied with the statutes of this commonwealth in such cases made and provided: Now, therefore, I, _____, secretary of the commonwealth of Massachusetts, do hereby certify that the per-

Form of certificate.

sons aforesaid, their associates and successors, are legally established as a corporation under the name of the [name of the company], with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or hereafter may be in force relating to street railway companies.

In witness whereof, I have hereunto subscribed my official signature, and affixed the Great Seal of said commonwealth, this
 day of _____, in the year _____ [day, month and year].

The secretary of the commonwealth shall sign the certificate of incorporation, and cause the Great Seal of the commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The secretary of the commonwealth shall also cause a record of the certificate of incorporation to be made, and such certificate, or such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

ORGANIZATION.

First meeting
of incorpora-
tors.
1872, 53, § 11.
1874, 372, § 30.
1878, 215.
1879, 156.
P. S. 112, § 45.
R. L. 111, § 48.
R. L. 112, § 8.
See 1903, 437,
§ 9.

SECTION 10. Upon the issue of such certificate of incorporation, the first meeting of the incorporators shall be called by a notice signed by a majority of the directors; and such notice shall state the time, place and purposes of the meeting. A copy of such notice shall, seven days at least before the day appointed for the meeting, be given to each incorporator or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof, and an affidavit of the clerk that the notice has been duly served, shall be recorded with the records of the company. If all of the incorporators shall in writing waive such notice and fix the time and place of the meeting, no notice shall be required.

Organization.
R. L. 112, § 8.
See 1903, 437,
§ 10.

SECTION 11. At such first meeting, or at any adjournment thereof, the incorporators shall organize by the adoption of by-laws, and by the election, by ballot, of not less than five directors. The clerk appointed by the directors under section five shall make and attest a record of the proceedings until the clerk of the company has been chosen and sworn, including a record of such choice and qualification.

OFFICERS.

SECTION 12. The business of every company shall be managed and conducted by a president, a board of not less than five directors, a clerk, a treasurer and such other officers and such agents as the company by its by-laws shall authorize.

Officers.
1864, 229, § 2.
1871, 381, § 2.
P. S. 113, § 9.
R. L. 112, § 15.
See 1903, 437,
§ 17.
167 Mass. 161.

SECTION 13. The directors shall be elected annually by the stockholders by ballot, and the president shall be elected annually by and from the board of directors, and the treasurer and the clerk annually by said board. Every director, unless the by-laws otherwise provide, shall be a stockholder. The treasurer may be required to give a bond for the faithful performance of his duty in such sum and with such sureties as the by-laws may prescribe. The clerk, who shall be a resident of this commonwealth, shall be sworn, and shall record all votes of the company in a book to be kept for that purpose. The officers of a company shall hold office for one year and until their successors are chosen and qualified. The manner of choosing or of appointing all other agents and officers and of filling all vacancies shall be prescribed by the by-laws, and, in default of provision by such by-laws, vacancies may be filled by the board of directors.

Election of
officers.
1864, 229, § 2.
1871, 381, § 2.
P. S. 113, § 9.
R. L. 112, § 15.
See 1903, 437,
§ 18.

MEETINGS.

SECTION 14. There shall be an annual meeting of the stockholders, and the time and place of holding it, and the manner of conducting it, shall be fixed by the by-laws. All meetings of stockholders shall be held in the commonwealth, and shall be called, and notice thereof given, in the manner provided in the by-laws of the company; or, if the by-laws make no provision therefor, shall be called by the president, and a written or printed notice, stating the place, day and hour thereof, given by the clerk, at least seven days before such meeting, to each stockholder by leaving such notice with him or at his residence or usual place of business, or by mailing it, postage prepaid, and addressed to each stockholder at his address as it appears upon the books of the company. Unless the by-laws otherwise provide, a majority in interest of all stock issued and outstanding and entitled to vote shall constitute a quorum. Notices of all meetings of stockholders shall

Meetings of
stockholders.
1864, 229, § 3.
1871, 381, § 3.
P. S. 113, § 10.
R. L. 112, § 16.
See 1903, 437,
§ 20.

state the purposes for which the meetings are called. No notice of the time, place or purpose of any regular or special meeting of the stockholders shall be required if every stockholder, or his attorney thereunto authorized, by a writing which is filed with the records of the meeting, waives such notice.

May be called
under warrant
of justice of
the peace.
1883, 49.
R. S. 44, § 4.
G. S. 68, § 5.
P. S. 105, § 11.
R. L. 108, § 15.
See 1903, 437,
§ 21.

SECTION 15. If, by reason of the death or absence of the officers of the company or other cause, there is no person authorized to call or preside at a legal meeting, or if the clerk or other officer refuses or neglects to call it, a justice of the peace may, upon written application of three or more of the stockholders, issue a warrant to any one of them, directing him to call a meeting by giving such notice as is required by law, and may, by the same warrant, direct him to preside at the meeting until a clerk is chosen and qualified, if no officer of the company is present who is legally authorized to preside.

Special meet-
ings.
1876, 201.
P. S. 112, § 52.
1897, 99.
R. L. 111, § 86.
See 1903, 437,
§ 23.

SECTION 16. A special meeting of the stockholders shall be called, and a written or printed notice thereof, stating the time, place and purpose of the meeting, given, by the clerk upon written application of three or more stockholders who are entitled to vote, and who hold at least one tenth part in interest of the capital stock.

Voting rights
of company
upon its own
stock.

SECTION 17. A company shall not directly or indirectly vote upon any share of its own stock.

R. L. 112, § 17.

See 1903, 437, § 23.

— of stock-
holders;
proxies.
1864, 229, §§ 4, 5.
1871, 331, §§ 4, 5.
P. S. 113, §§ 11,
12.
1889, 210.
R. L. 112, § 17.
See 1903, 437,
§ 24.

SECTION 18. Stockholders who are entitled to vote shall have one vote for each share of stock owned by them. Stockholders may vote either in person or by proxy. No proxy which is dated more than six months before the meeting named therein shall be accepted, and no such proxy shall be valid after the final adjournment of such meeting.

— of fiduciary
stockholders.
1829, 58, § 12.
R. S. 38, § 35.
1833, 98, § 2.
G. S. 68, § 11.

SECTION 19. Executors, administrators, guardians, trustees or persons in any other representative or fiduciary capacity may vote as stockholders upon stock held in such capacity.

P. S. 105, § 13.

R. L. 108, § 17.

9 Cush. 192.

101 Mass. 398.

See 1903, 437, § 29.

Meetings of
directors.
See 1903, 437,
§ 25.

SECTION 20. Meetings of the board of directors may be held within or without the commonwealth. Any meeting of the board of directors shall be a legal meeting without notice, if each director who is absent, by a writing which is filed with the records of the meeting, waives such notice.

CAPITAL STOCK.

SECTION 21. Each stockholder shall be entitled to a certificate which shall be signed by the president and by the treasurer of the company, or by such other officers as may be authorized by the by-laws, shall be sealed with its seal, and shall certify the number of shares owned by him in such company.

Stock certificates.
See 1903, 437, § 26.

SECTION 22. The delivery of a certificate of stock by the person named as the stockholder in such certificate or by a person entrusted by him with its possession for any purpose to a bona fide purchaser or pledgee for value, with a written transfer thereof, or with a written power of attorney to sell, assign or transfer the same, signed by the person named as the stockholder in such certificate, shall be a sufficient delivery to transfer title as against all persons; but no such transfer shall affect the right of the company to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact until it has been recorded upon the books of the company, or until a new certificate has been issued to the person to whom it has been so transferred. Such purchaser, upon delivery of the former certificate to the treasurer of the company, shall be entitled to receive a new certificate. A pledgee of stock transferred as collateral security shall be entitled to a new certificate if the instrument of transfer substantially describes the debt or duty which is intended to be secured thereby. Such new certificate shall express on its face that it is held as collateral security, and the name of the pledgor shall be stated thereon, who alone shall be liable as a stockholder, and entitled to vote thereon.

Transfer of shares.
1864, 223, § 10.
1871, 381, § 10.
1881, 302.
P. S. 113, § 13.
R. L. 113, § 13.
1903, 423, §§ 1, 2;
437, § 28.

SECTION 23. The certificate of incorporation, and an attested copy of the agreement of association, and of the by-laws, with a reference on the margin of the copy of the by-laws to all amendments thereof, and a true record of all meetings of stockholders shall be kept by the company at its principal office in this commonwealth for the inspection of its stockholders. The stock and transfer books of such company, which shall contain a complete list of all stockholders, their residences and the amount of stock held by each, shall be kept at an office of the company in this commonwealth for the inspection of its stockholders. Said stock and transfer books and said attested

Stock books and corporate records.
1868, 144.
G. S. 68, § 10.
P. S. 106, § 21.
R. L. 109, § 22.
1859, 227.
G. S. 68, § 20.
1881, 130.
1864, 201, § 1.
P. S. 106, § 22.
R. L. 109, § 23.
1889, 222, § 3.
R. L. 109, § 24.
[1 Op. A. G. 278.]
1847, 107.
G. S. 68, § 12.
P. S. 106, § 23.
R. L. 109, § 25.
See 1903, 437, § 30.

copies and records shall be competent evidence in any court of this commonwealth. If any officer or agent of a company having charge of such copies, books or records refuses or neglects to exhibit them or to submit them to examination as aforesaid, he or the company shall be liable to any stockholder for all actual damages sustained by reason of such refusal or neglect, and the supreme judicial court or the superior court shall have jurisdiction in equity, upon petition of a stockholder, to order any or all of said copies, books or records to be exhibited to him and to such other stockholders as may become parties to said petition, at such a place and time as may be designated in the order.

Lost certifi-
cates.
R. L. 110, § 28.
See 1903, 437,
§ 81.

SECTION 24. The directors of a company may, unless otherwise provided by the by-laws, determine the conditions upon which a new certificate of stock may be issued in place of any certificate which is alleged to have been lost or destroyed. They may, in their discretion, require the owner of a lost or destroyed certificate, or his legal representative, to give a bond with sufficient surety to the company in a sum not exceeding double the market value of the stock to indemnify the company against any loss or claim which may arise by reason of the issue of a certificate in place of such lost or destroyed stock certificate.

Unclaimed
dividends.
1837, 66.
G. S. 68, § 19.
P. S. 105, § 27.
R. L. 109, § 40.
See 1903, 437,
§ 32.

SECTION 25. Every company shall, once in every five years, publish three times successively in a newspaper in the city of Boston, and also in a newspaper in the county in which the principal office of the company is located, a list of all dividends which have remained unclaimed for two years or more and the names of the persons to whose credit such dividends stand.

Shares to be
issued at par.
1864, 229, §§ 6,
10.
1871, 381, §§ 7,
10.

SECTION 26. Certificates of stock shall not be issued by a company until the par value thereof shall have been actually paid in in cash.

1881, 302.

P. S. 113, § 13.

R. L. 112, § 13.

150 Mass. 200.

Assessments
upon capital
stock, and
collection
thereof.
1864, 229, §§ 8, 9.
1871, 381, § 9.
P. S. 113, § 17.
R. L. 112, § 25.
See 1903, 437,
§ 15.

SECTION 27. The directors may assess upon all the shares subscribed, but not paid in, such amounts of money which are not in excess of their par value, as they think proper, and may direct the same to be paid to the treasurer, who shall give written notice thereof to the subscribers. If a subscriber neglects to pay his assessment for thirty days after such notice, the directors may transfer the rights under such subscription to any person who subscribes for the same and pays the assessments due, or may

order the treasurer, after giving notice of the sale, to sell such shares by public auction to the highest bidder, and, upon the payment by him to the company of the unpaid assessments, of interest to the date of sale and of the charges of the sale, the shares shall be transferred to him. If, within thirty days after the sale, the purchaser does not make said payment to the company, the sale shall be cancelled, and the subscriber shall be liable to the company for the unpaid assessments, the interest thereon, and the charges of sale. If the amount so paid by the purchaser to the company is more than the amount for which the shares were sold, the subscriber shall be liable to the purchaser for the deficiency; if it is less, the purchaser shall be liable to the subscriber for the surplus. If a subscriber neglects to pay his assessment for thirty days, as above provided, the directors may elect to proceed by an action at law against said delinquent subscriber to recover all amounts due and payable by him with interest. If a judgment rendered in an action against a subscriber remains unsatisfied for thirty days, all amounts previously paid by him shall be forfeited to the company, and the directors may offer such shares for sale as above provided.

SECTION 28. A street railway company shall not begin to build its railway until it shall have filed in the office of the secretary of the commonwealth a certificate, signed and sworn to by its president, treasurer, clerk and a majority of its directors, stating that the amount of its capital stock has been unconditionally subscribed for by responsible parties, and that fifty per cent of the par value of each share thereof has been actually paid in in cash.

SECTION 29. The directors of a street railway company shall be jointly and severally liable, to the extent of its capital stock, for all its debts and contracts, until the whole amount of its capital stock as originally fixed by its agreement of association, or if a chartered company, by its directors, and authorized by the board of railroad commissioners, shall have been paid in, and until a certificate stating the amount thereof so fixed and paid in shall have been signed and sworn to by its president, treasurer, clerk and a majority of its directors, and filed in the office of the secretary of the commonwealth.

Subscription to full capital stock, and payment in of fifty per cent thereof, before construction.
1864, 229, § 6.
1871, 381, § 6.
P. S. 113, § 19.
R. L. 112, § 27.
141 Mass. 496.

Directors jointly and severally liable for debts and contracts till payment in of full capital stock.
1864, 229, § 6.
1871, 381, § 7.
P. S. 113, § 14.
R. L. 112, § 19.

CORPORATE POWERS.

Powers to
cease, if rail-
way is not built
within eight-
teen months
after date of
certificate of
incorporation,
unless, etc.
1867, 198.
G. S. 63, § 140.
1864, 229, § 12.
1871, 381, § 12.
P. S. 113, § 20.
E. L. 112, § 28.

SECTION 30. A street railway company, incorporated under the laws of this commonwealth, shall have authority, subject to the provisions of this chapter, to construct, maintain and operate a street railway, but, if such company does not build and put in operation its railway within eighteen months after the date of its certificate of incorporation, its corporate powers shall cease, unless the board of railroad commissioners, after public notice and a hearing, shall extend said time by a certificate, stating that in its judgment due diligence has been exercised by the company, and that public necessity and convenience require such extension.

Extension of
corporate
authority to
operate
railway.
1896, 501.
E. L. 112, § 92.

SECTION 31. A street railway company, which, by its charter or certificate of incorporation, or by special act, is authorized to construct, maintain and operate a street railway in any city or town in this commonwealth, and which has constructed its railway therein, may, subject to the provisions of the general laws relative to the location, construction and operation of street railways, extend its railway into such other cities and towns in this commonwealth as the board of railroad commissioners shall, upon the application of such company, and after public notice and a hearing, certify that the public necessity and convenience require. An attested copy of such certificate shall, within three days after the granting of the same, be filed by said board in the office of the secretary of the commonwealth.

Connecting
location.
1898, 578, § 14.
E. L. 112, § 11.

SECTION 32. A street railway company whose petition for a location, necessary, in the judgment of the board of railroad commissioners, to furnish proper transportation facilities between two cities, or two towns, or a city and town, has in whole or in part been granted or refused, or has been neither granted nor refused within three months after the filing thereof, may, within thirty days of such grant or refusal of a location, or of the expiration of said three months, apply to the board of railroad commissioners for such location. If it shall appear at a hearing on said application, after such notice to the board of aldermen or the selectmen, and to all persons who own real estate which abuts upon any way in which such location was asked for, by publication or otherwise, as the board of railroad com-

missioners may order, that the company has already been granted and has accepted locations for a street railway in two cities, or two towns, or a city and town, adjoining the city or town in which such location has been asked for, or has already been granted and has accepted locations for a street railway in two adjoining cities, or two adjoining towns, or an adjoining city and town, and that a location is necessary to connect such existing locations, the board of railroad commissioners may, if it finds that public necessity and convenience so require, enter a decree granting a connecting location. In granting the location said board may prescribe the appliances and impose the conditions and obligations which are specified or referred to in section seven relative to the granting of original locations. Such location shall be the true location, if, within thirty days after the issue of notice to the company of the entry of said decree, the directors shall file a written acceptance of such location with the board of railroad commissioners; otherwise, said location shall be void.

SECTION 33. A street railway company may purchase and hold such real and personal estate as may be necessary or convenient for the operation of its railway; but it shall not, except as provided in section fifty-three, directly or indirectly, subscribe for, take or hold stock or bonds of a street railway company which is organized under the general laws unless specially so authorized by the general court.

Real and personal estate; stock and bonds of other domestic street railway companies organized under general laws. 1864, 229, § 13. 1871, 381, § 13. 1874, 29, § 10. P. S. 113, § 18. R. L. 112, § 26.

SECTION 34. A street railway company may, except in the city of Boston, with the approval of the board of railroad commissioners, acquire, hold, maintain and equip land for purposes of recreation and for pleasure resorts. Admission to the grounds of such pleasure resorts shall be free, subject to such restrictions as may, with the approval of said board, be imposed by the board of aldermen of cities or the selectmen of towns in which such grounds may be situated. Said company shall not sell intoxicating liquors nor allow them to be sold on said grounds; nor shall it sell said land without the approval of the board of railroad commissioners.

Pleasure resorts. 1865, 316. R. L. 112, § 76.

SECTION 35. A street railway company may use electricity, or such other motive power, other than steam, as the board of railroad commissioners may permit.

Motive power. 1864, 229, § 34. 1871, 381, § 44. P. S. 113, § 39. R. L. 112, § 51.

SECTION 36. A street railway company may permit another street railway company to operate cars over its tracks

Connecting companies. Joint use of tracks.

1888, 278, § 1.
R. L. 112, § 78.

to such extent and under such rules and regulations as the board of railroad commissioners shall determine to be consistent with public safety.

Street sprink-
ling cars.
1897, 815.
R. L. 112, § 54.

SECTION 37. A street railway company may allow street sprinkling cars or similar apparatus to be used upon its tracks, may furnish the motive power and use of tracks or other facilities, and may make contracts therefor; but the provisions of this section shall be operative only to such extent and subject to such regulations and restrictions as the board of railroad commissioners, having regard to the necessities of public travel, may approve.

Gravel, etc.,
cars.
1896, 828.
R. L. 112, § 55.
1902, 288.

SECTION 38. A street railway company may, with the consent of the board of aldermen of a city or the selectmen of a town, convey in cars over its tracks snow, ice, stones, gravel, dirt, or street sweepings, taken from any street or way over or through which its tracks are located, for the purpose of keeping said street or way in proper condition for travel, or may convey to any point on its line, or deliver to any connecting line or any other street railway company, necessary material for use in the construction, grading, repairing or improving of any street or way in any city or town, or of any state highway, whether on the line of any street railway company or not, and may make contracts with cities, towns, the Massachusetts highway commission, and with other street railway companies for the transportation of such material.

Coal and other
supplies.

SECTION 39. A street railway company may convey in cars over its tracks coal and other supplies for its own use.

Carriers of
mail.
1901, 254.

SECTION 40. A street railway company may carry the United States mail.

R. L. 112, § 76.

— of baggage
and freight,
etc. 1908, 202.
1904, 441.

SECTION 41. A street railway company may become a common carrier of newspapers, baggage, express matter and freight in such cases, upon such parts of its railway, and to such extent, in any city or town as, after public notice and a hearing upon the petition of the president or a majority of the directors of the company or any interested party, the board of aldermen or the selectmen, in such city or town, shall by order approve: *provided*, that a company shall actually engage in the business of a common carrier under authority of this section only in such of the cases, upon such of the parts of its railway, and to so much of the extent, approved as aforesaid, as the board of railroad commissioners shall certify, after public notice and a hearing upon the petition of the president or a ma-

jority of the directors of the company or any interested party, that public necessity and convenience require; and *provided, further*, that any company acting under authority hereof shall be subject to such regulations and restrictions as may from time to time be made by the local authorities aforesaid, with the approval of the board of railroad commissioners, and shall also be subject to the provisions of all laws now or hereafter in force relating to common carriers so far as they shall be consistent herewith and with said regulations and restrictions.

LAND.

SECTION 42. Except as provided in this act, and except for the purpose of reaching its car barns or repair shops, and of reaching and providing convenient terminals in parks and pleasure resorts situated upon the line of its railway, a street railway company shall not, unless authorized by special act of the general court, construct or operate any part of its railway outside the limits of a public highway, street or bridge; but a street railway company which, prior to the fourteenth day of June in the year nineteen hundred and one, without special legislative authority therefor constructed any part of its railway upon private land, with the consent of the owners of such land, or upon land leased or purchased by such company, or which prior to said date purchased or leased land for the purpose of constructing its railway thereon, or which prior to said date after public notice and a hearing obtained the approval of the board of aldermen of a city or of the selectmen of a town to the construction of a part of its railway upon private land within such city or town, and prior to said date actually with the consent of the owners of the land began, or obtained their consent to begin, such construction, may construct, maintain and operate its railway upon such private land, subject however to the provisions of this act conferring upon the board of railroad commissioners control over street railways constructed upon private land.

Private land.
1901, 508, §§ 3, 4.
R. L. 112, § 29.
178 Mass. 300.

SECTION 43. A street railway company, organized under the laws of this commonwealth, or in process of organization thereunder, having first obtained the approval of the board of aldermen of the city or of the selectmen of the town in which private land is situated to the construction

Location by
purchase or
lease on
private land.
1901, 508, § 1.
R. L. 112, § 9.
178 Mass. 300.

Location, etc.

of its railway thereon, may, for the purpose of avoiding grades and curves in public ways, and for such other purposes incidental to the use of such ways, as the board of railroad commissioners may in the manner hereinafter provided approve, petition said board for authority to construct and maintain parts of its railway or extension thereof upon such private land outside the limits of such public ways. The company in such petition shall set forth the purpose for which such authority is desired in each case, and shall file with the petition a plan, in such form and upon such scale as the board of railroad commissioners may prescribe, of the railway or extension, and of the localities where it is desired to construct the same upon private land, and said board, after public notice and a hearing, if it is satisfied that public necessity and convenience demand that parts of the railway or extension should be built outside the limits of public ways, substantially on the private land selected, and that the approval of the board of aldermen or of the selectmen of the city or town in which the land is situated has been obtained as aforesaid, may authorize the petitioner to construct and operate its railway or extension upon and over private land, and for that purpose to purchase or lease private land or rights therein and thereover, in such cases and to such extent as said board is of opinion that public necessity and convenience in the construction and operation of the railway or extension require. Said board in granting such authority may determine the kind of construction to be used, the grade and alignment of the tracks, and may order such special appliances to be furnished and such safeguards to be adopted in the construction and operation of the railway or extension upon private land as, in its judgment, regard for public necessity, convenience and safety demands.

Regulation of
location by
purchase or
lease on
private land.
1901, 503, § 2.
R. L. 112, § 10.

SECTION 44. A street railway constructed upon private land shall not be opened for public use until the board of railroad commissioners, after an examination, certifies that all laws relative to its construction and all requirements of said board have been complied with, and that it appears to be in a safe condition for operation. Said board may, at any time after the opening of a street railway for public use, order such changes and improvements to be made in the construction and operation of any part thereof upon private land as in its judgment may be necessary

for public safety in the use thereof; and such order shall be complied with by the street railway company.

SECTION 45. A street railway company, whose railway is constructed in part outside the limits of public ways, shall, in respect of the equipment, use and operation of its railway and transportation thereon, be subject to all the provisions of law relative to street railway companies, as fully as if its railway were located wholly within the limits of public ways.

Provisions of law applicable. 1898, 404, § 5. R. L. 112, § 60.

SECTION 46. A street railway company, organized under the laws of this commonwealth, may apply to the board of aldermen of a city or to the selectmen of a town in which it desires to take land, for an adjudication that public necessity and convenience require that certain land, or interests in land, as described in its petition, and for the specific purpose therein stated, be taken by such company, to enable it, in constructing its street railway, or extension thereof, to avoid dangerous curves or grades existing in the highways, or for other similar purposes incident to and not inconsistent with its corporate franchise of operating a railway to accommodate public travel in public ways. If the board to which such application is made finds in favor of the petitioner, after such public notice and hearing as are required by law in the case of the grant of locations for street railways in public ways, the company may, upon complying with the provisions prescribed for railroad corporations by section seventeen of Part II, apply to the board of railroad commissioners for a certificate that public necessity and convenience require the construction of the railway between the termini and substantially upon the route fixed by the agreement of association in case of a company organized under the general laws and by the charter of a company created by special statute, or of the extension substantially on the locations already granted therefor, and for approval of the adjudication of the board of aldermen or of the selectmen as to the necessity and reasons for taking land or rights in land in every city or town in which such adjudication has been made. If the board of railroad commissioners, after public notice and a hearing, at which all persons or corporations alleging that they would be injured by the construction of the railway shall be deemed to be interested parties and entitled to be heard, grant the certificate as prayed for, the petitioner may take in any city or town,

Location by eminent domain on private land. 1903, 476, § 1.

in the manner provided in the following section, any land or rights in land the taking of which has so been approved by said board.

Same subject.
1908, 476, § 2.

SECTION 47. A street railway company acting under authority of the preceding section shall be subject to all the provisions of sections seventy-one, seventy-four, eighty-two to one hundred, inclusive, one hundred and one to one hundred and three, inclusive, and one hundred and six of Part II, and, if its railway crosses a public way or another street railway, except where its railway is constructed within the limits of another public way crossing such way or street railway, it shall also be subject to all the provisions of sections one hundred and seven to one hundred and twelve, inclusive, and of sections one hundred and forty-nine to one hundred and fifty-four, inclusive, of said chapter: *provided, however*, that wherever by said sections any jurisdiction is conferred upon a board of county commissioners, the same shall in the case of a street railway company be exercised by the board of aldermen of the city or by the selectmen of the town in which the land or other property proposed to be taken is situated.

Same subject.
1908, 476, § 3.

SECTION 48. A street railway company authorized to construct its railway at grade across a public way in any place where such crossing is not a part of the crossing of such way by another public way, and incident to the construction of the street railway longitudinally within the limits of such other public way, shall, in any proceedings hereafter begun for the abolition of such grade crossing be considered as a railroad corporation under the provisions of sections twenty-nine to forty-five, inclusive, of Part I, if such company has taken any land or other property under authority of the preceding two sections; and it may bring a petition, or be made a respondent to any petition brought by any of the other parties named in said acts, in the same way and be subject to the same liabilities as if it were a railroad corporation.

Same subject.
1908, 476, § 4.

SECTION 49. The provisions of the three preceding sections shall not be construed as enlarging the extent or purposes for which a street railway may be constructed or operated outside the limits of public ways as defined and limited in sections forty-two and forty-three.

Reserved
spaces in pub-
lic ways.
1894, 224.
R. L. 48, § 85.

SECTION 50. If the city council of a city or a town accepts the provisions of this section or has accepted the corresponding provisions of earlier laws, the board or offi-

cers authorized to lay out streets, highways or town ways may, whether any such street, highway or town way is laid out under the provisions of law authorizing the assessment of betterments or otherwise, reserve spaces between the side lines thereof for street railways.

LEASE OR SALE OF RAILWAY.

SECTION 51. A street railway company shall not lease or contract for the operation of its railway for a period of more than ninety-nine years without the consent of the general court, nor, except as provided in the three following sections, shall it sell its railway unless authorized so to do by its charter or by special act of the general court.

127 Mass. 204.

157 Mass. 39.

173 Mass. 287.

Railway not to be leased or sold, except, etc.
1864, 229, § 24.
1871, 361, § 31.
F. S. 113, § 56.
1897, 213, § 8.
R. L. 113, § 85.
11 Allen, 65.

SECTION 52. A street railway company incorporated under the laws of this commonwealth may sell and convey the whole or a part of its franchise and property to, or may consolidate with, any other such street railway company whose railway connects with, intersects or forms a continuous line with its own, if the facilities for travel on the railway of each of said companies shall not be thereby diminished, or the rates of fare increased, and such other company may purchase of or consolidate with it as aforesaid; but such purchase and sale or consolidation shall not be valid or binding until its terms have been agreed to by a majority of the directors, and have been approved, at meetings called for the purpose, by a vote of two thirds in interest of the stockholders of each of the contracting companies, and by the board of railroad commissioners as required by section sixty-seven of Part I.

Sale or consolidation.
1897, 269, § 1.
R. L. 113, § 86.

SECTION 53. The purchasing or consolidated company may, subject to the provisions of section one hundred and seven, increase its capital stock and issue bonds to an amount necessary for the purposes authorized in the preceding section, and may exchange its securities for those of the selling or merged company, if the aggregate amount of the capital stock and debt of the two contracting companies shall not by reason of such purchase and sale or consolidation be increased.

Increase of capital stock, and issue of bonds.
1897, 269, § 2.
R. L. 113, § 87.

SECTION 54. Such purchasing or consolidated company shall have the powers and privileges, and be subject to the duties, liabilities and restrictions, of the company selling or merged, but, except as provided in this chapter, no right

Powers and duties of consolidated company.
1897, 269, § 3.
R. L. 113, § 88.

to conduct an express business or to be a common carrier of merchandise shall, by reason of any such sale or consolidation, be allowed over any location where it had not been granted prior to the tenth day of April in the year eighteen hundred and ninety-seven.

Operating
contracts and
leases.
1897, 213, §§ 1, 2.
R. L. 112, § 89.

SECTION 55. Two street railway companies, incorporated under the laws of this commonwealth, whose railways connect with or intersect each other or together form a continuous line, may contract that either company shall perform all the transportation upon and over the whole or any part of the railway of the other; or any such company may lease its franchise, property and railway to any other such company; but the facilities for travel on either of the railways of said companies shall not be thereby diminished or the rates of fare increased. Such contract or lease shall not be valid or binding until its terms have been agreed to by a majority of the directors, and have been approved, at meetings called for the purpose, by a vote of a majority in interest of the stockholders of each of said companies, and by the board of railroad commissioners as required by section sixty-seven of Part I. The income arising from such contracts or leases shall be subject to the provisions of law relative to the reduction of fares in the same manner as that arising from the use of the railways. Such railways shall be considered as connecting with or intersecting each other, or forming a continuous line, if one of them connects with or intersects or forms a continuous line with a railway leased to or operated by the other under a contract authorized by the provisions of this section.

Powers under
contracts or
leases.
1897, 213, § 4.
R. L. 112, § 90.

SECTION 56. A street railway company which contracts for the operation, or takes a lease, of another railway shall, subject to the terms of such contract or lease, have and enjoy the powers and privileges, and shall be subject to the duties, liabilities and restrictions of the company which owns it; but no right to carry on an express business or to be a common carrier of merchandise shall be allowed, except as provided in this act, over any location where it had not been granted prior to the twenty-ninth day of March in the year eighteen hundred and ninety-seven.

Proceeds of
sale not to be
used for divi-
dends.
1864, 229, § 39.

SECTION 57. A street railway company shall not appropriate for the payment of dividends any money which has been received from the sale of any portion of its rail-

way, unless it first reduces its capital stock issued, by an amount which, at its par value, is equal to the amount which such portion of its railway cost said company.

1871, 331, § 51.
P. S. 113, § 57.
R. L. 112, § 91.

ISSUE OF SECURITIES BY FOREIGN CORPORATIONS.

SECTION 58. If a foreign corporation which owns or controls a majority of the capital stock of a domestic street railway company issues stock, bonds or other evidences of indebtedness based upon or secured by the property, franchise or stock of such domestic company, unless such issue is authorized by the law of this commonwealth, the supreme judicial court shall have jurisdiction in equity in its discretion to dissolve such domestic company. If it appears to the attorney-general that such issue has been made, he shall institute proceedings for such dissolution and for the proper disposition of the assets of such company. The provisions of this section shall not affect the right of foreign corporations, their officers or agents to issue stock and bonds in fulfilment of contracts existing on the fourteenth day of July in the year eighteen hundred and ninety-four.

Issue of stock
by foreign
companies
on securities
of domestic
companies.
1894, 476.
R. L. 126, § 11.

GAS AND ELECTRICITY.

SECTION 59. A city or a town shall not manufacture or distribute electricity for furnishing light, heat or power for the operation of the cars of a street railway company.

1891, 370, § 1. R. L. 34, § 1. 153 Mass. 129. 163 Mass. 346.
1894, 533. 150 Mass. 592. 155 Mass. 601, 605.

Cities and
towns not to
manufacture
or distribute
electricity for
operation of
cars.

SECTION 60. A town in which no person or corporation is engaged in the business of generating or distributing electricity for sale for lighting purposes and which is not itself engaged in such business, and which has voted or shall vote, in accordance with the provisions of chapter thirty-four of the Revised Laws, to construct one or more plants for the manufacture or distribution of electricity for furnishing light for municipal use or for the use of its inhabitants, or for both purposes, may make contracts, for a term not exceeding ten years, with any street railway company operating a street railway in such town, for the purchase of electricity from such street railway company, for the purpose of furnishing light for municipal use or for the use of its inhabitants, or for both purposes;

Certain towns
may purchase
electricity for
lighting pur-
poses from
street railway
companies.
1902, 449, § 1.

and any street railway company may make contracts for furnishing electricity as aforesaid to a town, but the same shall not become operative unless the board of railroad commissioners shall, after public notice and a hearing, approve the terms thereof as consistent with the public interests.

Delivery of
electricity.
1902, 449, § 2.

SECTION 61. The electricity supplied by a street railway company to a town shall be delivered to the distributing system of said town at some specified place or places therein, and the meter or meters through which such electricity is measured shall be a part of the distributing system.

In case of
disagreement,
railroad com-
missioners
to fix price of
electricity.
1902, 449, § 3.

SECTION 62. If a town voting to purchase electricity from a street railway company is unable to agree with such company at the expiration of a contract made in accordance with the provisions of section sixty upon the price to be paid for electricity by, or upon the manner in which electricity is to be furnished to, said town in the future, such town through its selectmen may apply to the board of railroad commissioners to fix the price which said town shall pay for said electricity to, and the manner in which electricity shall be furnished by, said company; and thereupon the said board shall set a date for a public hearing upon such application, giving said company reasonable notice thereof; and after the hearing said board shall, if it deems the furnishing of such electricity consistent with the interests of public travel upon the railway of such company, fix the price which said town shall pay for electricity to, and the manner in which electricity shall be furnished by, said company; and said company shall thereupon furnish to said town electricity at the price and in the manner fixed by said board.

To be subject
to certain pro-
visions of law.
1902, 449, § 4.

SECTION 63. A town which has contracted with a street railway company for the purchase of electricity shall be subject to the provisions of chapter thirty-four of the Revised Laws and of all acts in amendment thereof or in addition thereto, so far as the same may be applicable.

EXTENSION OF LOCATION.

Extension of
location.
1874, 29, § 11.
P. S. 113, § 21.
1893, 579, § 15.
R. L. 112, § 30.
1902, 399.

SECTION 64. The board of aldermen of a city or the selectmen of a town, upon the petition of fifty legal voters, or the president or a majority of the directors of a street railway company whose tracks are located in said city or

town, after public notice and a hearing as provided in section seven, may grant a location for the extension of the tracks of such company, and prescribe how said tracks shall be laid and the kind of rails, poles, wires and other appliances to be used; but they shall impose no terms or conditions to such grant in addition to those imposed by general laws on street railway companies in force on the first day of October in the year eighteen hundred and ninety-eight, or such as may have been imposed in the grant of original location to such company in such city or town subsequently to said date. No such extension of a location shall be valid, until the board of railroad commissioners, after public notice and a hearing, shall certify that such extension is consistent with the public interests. If said board requires an alteration in such extension before certifying that the same is consistent with the public interests, said board shall notify the board of aldermen or selectmen granting such extension of such alteration; and thereafter said board of aldermen or selectmen may amend such extension in accordance with such alteration: *provided*, that, if such alteration involves a change in the route of the railway, public notice and a hearing shall be given as hereinbefore provided in the case of the original application for an extension; and thereafter the board of railroad commissioners may, as a part of the original proceedings before it, certify that such extension so amended is consistent with the public interests. An extension, so certified to be consistent with the public interests, shall be a valid location, if, within thirty days after the issue of notice of said certification to the company, a majority of the directors shall file a written acceptance of such extension with the board of aldermen or selectmen. An extension granted by a board of aldermen or selectmen, but refused certification hereunder by the board of railroad commissioners, or not accepted as hereinbefore provided, shall be void.

121 Mass. 485.
[1 Op. A. G.
392, 489.]

ALTERATION OF LOCATION.

SECTION 65. The board of aldermen of a city or the selectmen of a town, upon the petition of the president, or a majority of the directors of a street railway company whose tracks are located in said city or town, or upon the petition of any interested party, after public notice and a hearing as provided in section seven, may alter the loca-

Alteration of
location.
1864, 229, § 14.
1871, 381, § 15.
P. S. 113, § 22.
1886, 578, § 16.
R. L. 112, § 31.
1902, 399.
125 Mass. 516.
158 Mass. 569.

[1 Op. A. G.
392, 489.]

tion of the tracks in the manner prescribed in, and subject to the provisions of, the preceding section. Such alteration shall be made by such company within such time, and the expense thereof shall be borne by such party or parties and in such proportions, as the board of aldermen or selectmen may determine. No such alteration of a location shall be valid, until the board of railroad commissioners, after public notice and a hearing, shall certify that such alteration is consistent with the public interests. If said board requires an amendment to such alteration before certifying that the same is consistent with the public interests, said board shall notify the board of aldermen or selectmen of such amendment; and thereafter said board of aldermen or selectmen may amend such alteration in accordance with the said amendment: *provided*, that, if such amendment involves a change in the route of the railway, public notice and a hearing shall be given as hereinbefore provided in the case of the original application for an alteration; and thereafter the board of railroad commissioners may, as a part of the original proceedings before it, certify that such alteration so amended is consistent with the public interests. An alteration, so certified to be consistent with the public interests, shall be a valid location, if, within thirty days after the issue of notice of said certification to the company, a majority of the directors shall file a written acceptance of such alteration with the board of aldermen or selectmen.

REVOCATION OF LOCATION.

Revocation of
location.
1864, 229, § 15.
1871, 381, §§ 16,
17.
P. S. 118, §§ 28,
24.
1898, 578, § 17.
R. L. 112, § 32.
111 Mass. 282.

SECTION 66. The board of aldermen of a city or the selectmen of a town, after the expiration of one year from the opening for use of a street railway in their city or town, and after public notice and a hearing as provided in section seven, if the public necessity and convenience in the use of the streets so require, may, for good and sufficient reasons to be stated in the order therefor, revoke the location of a street railway in any highway or street in said city or town; but unless, within thirty days after such order of revocation, the company consents thereto in writing, such order shall not be valid until approved by the board of railroad commissioners after public notice and a hearing. Upon the approval of such order of revocation, the company shall remove the railway in conform-

ity with such order and shall put the surface of streets which has been disturbed by such removal into as good condition as the adjacent surface of said streets. If the company neglects to comply with such order after thirty days' notice of the approval thereof, the board of aldermen or the selectmen may cause it to be executed and the work to be done at the expense of the company, and such expense shall be recovered in an action of tort.

STREET OR HIGHWAY WIDENING.

SECTION 67. If application is made for a location in a street or highway in which no street railway tracks are located, and such street or highway is widened under the provisions of chapters forty-eight or fifty of the Revised Laws by an order declaring the widening to be rendered necessary for the public convenience for the purpose of granting such location of street railway tracks therein, a proportionate share of the expense of such widening may be assessed upon a street railway company which accepts a location in the street or highway so widened; but the amount of such assessment, in addition to the amounts assessed on real estate, shall not exceed one half of the total cost of such widening.

Street or highway widening.
1898, 578, § 19.
R. L. 112, § 38.

SECTION 68. If a street or highway in which the tracks of a street railway company have been located for a period of five years is altered, or if the grade thereof is changed under the provisions of chapters forty-eight or fifty of the Revised Laws, the company shall pay such proportionate share of the expense thereof, including therein the necessary cost of changing its railway to conform to such alteration or change of grade, as may be assessed upon it, provided that, if betterments are assessed, no such assessment on the company shall exceed the aggregate amount of all the betterments assessed upon real estate, and that in no case shall such assessment exceed one quarter of the total cost of such alteration or change of grade.

Alteration or change in grade of street or highway.
1898, 578, § 20.
R. L. 112, § 34.

SECTION 69. The provisions of chapter fifty of the Revised Laws relative to the assessment of betterments on real estate, so far as applicable, shall apply to assessments made under the provisions of the two preceding sections. Said assessments shall be collected according to the provisions of chapter thirteen of the Revised Laws.

Provisions of law applicable to.
1898, 578, § 21.
R. L. 112, § 35.

STATE HIGHWAYS.

Location
upon state
highways.
1901, 414.
R. L. 112, § 88.

SECTION 70. If the board of aldermen of a city or the selectmen of a town and the president or a majority of the directors of a street railway company having a location in a way which said board of aldermen or said selectmen or the county commissioners of the county in which said city or town lies, have in writing requested the commonwealth to take charge of, make application to the Massachusetts highway commission, and with the application submit satisfactory plans, profiles and cross-sections of said way, the commission shall indicate on such plans, profiles and cross-sections a location and grade for the tracks of said street railway company. If the commission considers said way suitable for a state highway, and the commission and the directors of the street railway company agree as to the proportionate part of the cost of constructing it which shall be paid by the commonwealth and by the street railway company, the commission may pay, out of the appropriations for the construction and repair of state highways, said proportionate part of the damages sustained by a person whose property may be injured by the construction of such state highway, and of the cost of grading the said way to the lines established by the Massachusetts highway commission. A way which is graded under the provisions of this section shall remain a town way or a highway, subject to all laws relative thereto, until said way is taken charge of as a state highway by the commonwealth.

Supervision by
state highway
commission.
1898, 578, § 24.
R. L. 112, § 61.

SECTION 71. If a public way in which a street railway location has been granted shall be thereafter laid out, taken charge of or constructed by or under the authority of the Massachusetts highway commission, the commission shall thereafter, relative to the location and maintenance of a street railway upon such state highway, have the authority conferred by the provisions of sections seven, sixty-four, sixty-five, sixty-six and seventy-nine upon boards of aldermen and selectmen, and shall exercise such authority in the same manner, and subject to the same rights and limitations.

Laying and
construction
of railways
in state high-
ways, etc.

SECTION 72. A state highway shall not be dug up for the construction of a street railway, except upon written permit of the Massachusetts highway commission, and in

accordance with the regulations of the commission; and the work shall be done under the supervision and to the satisfaction of said commission, and the entire expense of replacing the highway in as good condition as before shall be paid by the street railway company.

1898, 478, § 14.
R. L. 47, § 21.
[Op. A. G.
817.]

OPERATION.

SECTION 73. No street railway or portion or extension thereof shall be opened for public use until the board of railroad commissioners, after an examination, certifies that all laws relative to its construction have been complied with, and that it appears to be in a safe condition for operation; but nothing herein contained shall be construed as compelling said board to grant such certificate until the entire road included in the location of such railway, portion or extension has been completed.

Opening for use conditional upon certificate of railroad commissioners.
1901, 368.
R. L. 112, § 39.

SECTION 74. The board of aldermen of a city or the selectmen of a town may, subject to the approval, revision or alteration of the board of railroad commissioners, establish such regulations as to the rate of speed, the manner and extent of use of tracks, and the number and routes of cars which run over such tracks, within such city or town, as the interest and convenience of the public may require; and a street railway company whose servants or agents wilfully or negligently violate any such regulations shall forfeit not more than five hundred dollars for each offence.

Rules as to rate of speed, etc.
1864, 229, § 18.
1871, 881, §§ 18, 19.
P. S. 112, §§ 27, 28.
R. L. 112, § 40.
1903, 143.
1906, 376.
11 Allen, 287.
167 Mass. 49.

SECTION 75. The superintendent of streets of a city, or any officer who exercises like authority therein, and the selectmen of a town, shall establish regulations for the clearance of snow from its tracks by any street railway company operating in said city or town, and for the removal of such snow by said street railway company from the streets or ways in which such tracks are located: *provided*, that no street railway company shall be compelled to remove from the streets or ways in which its tracks are located an amount of snow greater than it has cleared from between its rails and between its tracks and from a space eighteen inches wide on either side of its tracks.

Clearing snow from tracks.
1898, 573, § 12.
R. L. 112, § 41.

On or before the first day of September in each year, the local authorities hereinbefore named shall transmit to the president or other officer of each street railway company operating its cars in the streets or ways of said city

or town, and to the board of railroad commissioners, a copy of the regulations as established by said authorities. Within fourteen days after the receipt by any street railway company of such regulations said street railway company may, by its president or a majority of its board of directors, petition the board of railroad commissioners for such amendment thereto as said president or said board of directors consider reasonable. Said board shall, after notice and a hearing, within sixty days of the receipt of said petition, file with said local authorities and with the president of said street railway company its findings upon said petition, including such amendments to said regulations, if any, as said board considers reasonable, and thereafter such regulations as established by said local authorities and as amended by said board shall be and remain in force until the first day of the September following, and thereafter until other regulations are established as is herein provided.

Voluntary discontinuance of use of tracks.
1864, 229, § 19.
1871, 381, § 25.
P. S. 118, § 25.
R. L. 112, § 36.
See 1906, 389.

SECTION 76. If a street railway company voluntarily discontinues the use of any part of its tracks for a period of six months, the streets or highways occupied thereby shall, upon the order of the board of aldermen of a city or the selectmen of a town, forthwith, at the expense of the company, be cleared of said tracks, and be put into as good condition for public travel as they were in immediately before being so occupied. If a street railway company without right or lawful excuse discontinues the use of any track and when requested by the board of aldermen of the city or by the selectmen of the town in which such track is located refuses to operate the same, the mayor of such city, if duly authorized by vote of the city council or the selectmen of such town if duly authorized by vote of the town, may petition the supreme judicial court to compel said company to resume the use of such track and to perform all its corporate duties relating thereto. Such petition shall set forth the facts upon which the petitioner relies and the relief sought, but shall not be defeated for informality, and may be amended at any stage; and said court shall have jurisdiction in equity to determine the cause and enforce its decrees and orders relative thereto. Upon the filing of any such petition said court shall order due notice to be served upon the street railway company and shall advance the cause to speedy hearing and final decision. In case the track, the use of which has been dis-

continued, is located in two or more municipalities, any or all of such municipalities acting by the officials above named and authorized as hereinbefore provided, may join in such petition. Nothing herein contained shall be deemed a legislative construction of any existing law or an impairment of any existing right of a street railway company to discontinue the use of tracks.

SECTION 77. The board of aldermen of a city or the selectmen of a town may order a street railway company to discontinue temporarily the use of any tracks within the limits of such city or town, if they determine that the public safety or convenience so requires.

SECTION 78. A city or a town which, for any lawful purpose, takes up, alters or discontinues streets or highways in which the tracks of a street railway company are located, shall not be liable in damages therefor to the street railway company.

SECTION 79. A street railway company shall not be required to keep any portion of the surface material of streets, highways and bridges in repair, but it shall remain subject to all legal obligations imposed in original grants of locations, and may, as incident to its corporate franchise, and without being subject to the payment of any fee or to any other condition precedent, open any street, highway or bridge in which any part of its railway is located, for the purpose of making repairs or renewals of the railway, or of any part thereof, and the superintendent of streets or other officer who exercises like authority, or the board of aldermen or selectmen shall issue the necessary permits therefor in a city or town in which such are required. If, during the original construction or subsequent alteration or extension or the making of any such repairs or renewals of any railway or a portion thereof, said surface material is disturbed, the company which owns or operates such railway shall, at its own cost, except as provided in sections sixty-five and seventy-one, replace to the reasonable satisfaction of the superintendent of streets, or other officer who exercises like authority, said surface material with the same form of construction as that which was disturbed, or, by first obtaining the approval thereof by such officer, with a different material and form of construction, and shall restore said street, highway or bridge to as good condition as existed at the time of such disturbance. A street railway company shall

Temporary discontinuance of use of tracks.
1864, 229, § 20.
1871, 381, § 26.
P. S. 113, § 26.
R. L. 112, § 37.

Taking up, alteration or discontinuance of streets or highways.
1864, 229, § 17.
1871, 381, § 20.
P. S. 113, § 31.
R. L. 112, § 43.

Repair of streets, highways and bridges.
1864, 229, § 18.
1866, 236.
1871, 381, § 21.
1881, 121.
P. S. 113, § 32.
1898, 578, § 11.
R. L. 112, § 44.
104 Mass. 18.
109 Mass. 221, 525.
112 Mass. 57.
116 Mass. 420.
130 Mass. 492.
132 Mass. 178.
149 Mass. 335.
158 Mass. 556.
169 Mass. 508.
173 Mass. 587.
182 Mass. 41, 49.
184 Mass. 294.
188 Mass. 130.
196 U. S. 539.

be liable for any loss or injury which may be sustained by any person in the management and use of its tracks and during the construction, alteration, extension, repair or renewal of its railway, or while replacing the surface of any street which may have been disturbed as aforesaid, and which results from the carelessness, neglect or misconduct of its agents or servants who are engaged in the prosecution of such work, if notice of such loss or injury is given to the company and an action therefor is commenced in the manner provided by section twenty of chapter fifty-one of the Revised Laws. The provisions of this section shall not affect the obligations of any street railway company in respect of the construction or maintenance of any bridge or part thereof which any private person or corporation may be liable, in whole or in part, to construct or maintain.

Liability of company for defective streets, highways and bridges.
1866, 286.
1871, 881, § 22.
P. S. 113, § 38.
R. L. 112, § 46.
1904, 110.
112 Mass. 48.

SECTION 80. If, upon the trial of an action against the commonwealth, a city, town, railroad corporation or bridge corporation, the plaintiff recovers damages for an injury to his person or property which was caused by reason of a defect in a street, highway or bridge which is occupied by the tracks of a street railway company, and the street railway company is liable for such damages under the preceding section, and has had reasonable notice to defend the action, the commonwealth, city, town, railroad corporation or bridge corporation may recover the damages, and all the costs of both plaintiff and defendant in the action from the street railway company.

Guards upon bridges and draws.
1869, 806.
1871, 881, §§ 23, 24.
P. S. 113, §§ 34, 35.
R. L. 112, § 46.

SECTION 81. Every street railway company shall, in a manner satisfactory to the board of railroad commissioners, erect and maintain upon every bridge, or draw of a bridge, which is crossed by its tracks, guards or railings, to prevent its cars from running off. If, for sixty days after service upon it of an order of the board of railroad commissioners relative to such guards or railings, it neglects to comply therewith, it shall, for each month of such neglect subsequent to said sixty days forfeit two hundred dollars, to the use of the city or town.

Cars to stop at railroad crossings.
1856, 126, § 2.
G. S. 68, § 142.
1864, 229, § 36.
1871, 881, §§ 47, 48.

SECTION 82. If a street railway crosses at the same level a steam railroad where locomotive engines are in daily use, every motorman of a car upon the street railway shall, when approaching the point of intersection, stop his car within one hundred feet of the crossing. For each violation

of the provisions of this section, the motorman shall forfeit ten dollars, and the company which employs him shall forfeit twenty dollars.

P. S. 113, §§ 41, 42.
R. L. 112, § 62.

SECTION 83. The board of aldermen of a city or the selectmen of a town may, subject to the approval of the board of railroad commissioners, establish such regulations, requiring the motorman or conductor to give notice or warning of the approach of street cars, as shall in their opinion best secure the unobstructed use of the tracks and the free passage of the cars.

Notice of approach of cars.
1864, 229, § 22.
1871, 881, § 28.
P. S. 113, § 36.
R. L. 112, § 47.

SECTION 84. Whoever wilfully obstructs a street railway company in the legal use of a railway track, or delays the passing of its cars thereon, or aids or abets in such obstruction or delay, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months.

Obstruction of tracks.
1864, 229, § 22.
1871, 881, § 28.
P. S. 113, § 37.
1901, 452.
R. L. 112, § 48.
7 Allen, 573.

Whoever commits any of said acts in such manner as to endanger the life or safety of persons conveyed in or upon said cars, or aids or abets therein, shall be punished by imprisonment in the state prison for not more than ten years, or by a fine of not more than one thousand dollars.

Penalty.

SECTION 85. Whoever without right throws into, against or upon, or puts, places or explodes or causes to be exploded in, upon or near a street railway or street railway car, gunpowder or other explosive, or a bombshell, torpedo or other instrument filled or loaded with an explosive, with intent unlawfully to destroy or injure such street railway or street railway car, or any person or property therein or thereon, shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than five years, or by a fine of not more than five hundred dollars.

Explosives upon tracks.
1904, 896.

SECTION 86. Whoever without right loiters or remains within a station or waiting-room of a street railway company, or upon the platform, stairs, grounds or other property owned or controlled by a street railway company, adjacent to such station or waiting-room, after being requested to leave the same by a special or other police officer, shall forfeit not less than two nor more than twenty dollars.

Loitering within stations, etc.
1905, 184.

SECTION 87. Whoever, in or upon a street railway car, is disorderly, or disturbs or annoys travellers in or upon the same by profane, obscene or indecent language, or by

Disorderly conduct in public conveyances.
1868, 102.
R. L. 212, § 85.

indecent behavior, shall be punished by imprisonment for not more than thirty days or by a fine of not more than fifty dollars.

Obstruction
of streets or
highways by
companies.
1864, § 23, § 23.
1871, § 31, § 30.
P. S. 113, § 38.
R. L. 112, § 49.

SECTION 88. If a street railway company, its agent or servant, wilfully or negligently obstructs a street, highway or bridge, or hinders the passing of carriages over the same, or wilfully detains the cars of another company which has the lawful right to pass thereon, such company shall be punished by a fine of not more than five hundred dollars; and any such agent or servant shall be punished by a fine of not more than ten dollars or by imprisonment for not more than three months.

Sales by chil-
dren upon
cars.
1889, § 29.
R. L. 112, § 50.

SECTION 89. If a street railway company, its agent or servant, allows a child under the age of ten years to enter upon or into any of its cars for the purpose of selling newspapers or other articles therein or offering them for sale, it shall forfeit fifty dollars for each offence, which shall be recovered by any person by an action brought within three months after the offence has been committed.

Fenders,
wheel guards,
brakes and
emergency
tools.
1890, § 84.
1891, § 86.
1895, § 78, § 1.
R. L. 112, § 52.

SECTION 90. A street railway company shall equip its cars, when in use, with such fenders, wheel guards, brakes and emergency tools as may be required by the board of railroad commissioners, and said board may modify its requirements.

1903, 134.

See Res., 1906, 55.

Heating of
cars.
1895, § 136.
R. L. 112, § 53.

SECTION 91. The board of railroad commissioners shall require every street railway company to heat its cars, when in use for the transportation of passengers, at such times, by such means, and to such extent, as said board shall determine, and the company shall forfeit twenty-five dollars for each trip run by any of its cars not so heated, unless in case of accident to the heating process or apparatus, or other unavoidable accident. The district police shall cause the provisions of this section to be enforced.

Enclosed plat-
forms.
1897, § 452, §§ 1, 2.
1900, § 14, §§ 1, 3.
R. L. 112, §§ 56,
58.

SECTION 92. Every street car in use for the transportation of passengers in December, January, February and March, which, while in motion, requires the constant care or service of an employee upon its platforms or upon one of them, shall, except as provided in the following section, have said platforms or platform enclosed in such manner as to protect the motormen, conductors or other employees who operate such car from exposure to wind and weather in such manner as the board of railroad commissioners shall approve.

SECTION 93. All decisions heretofore rendered by the board of railroad commissioners under the provisions of chapter four hundred and fifty-two of the acts of the year eighteen hundred and ninety-seven and of chapter four hundred and fourteen of the acts of the year nineteen hundred shall have the same force and effect as they had on and after the first day of December in the year nineteen hundred and two, but they shall be subject to revision by said board.

Decisions of board of railroad commissioners.
1897, 452.
1900, 414.
R. L. 112, § 57.

SECTION 94. A street railway company which fails or neglects to comply with the provisions of either of the two preceding sections shall be punished by a fine of not more than one hundred dollars for each day during which such neglect continues.

Penalty.
1897, 452, § 8.
1900, 414, §§ 4, 5.
R. L. 112, § 59.

SECTION 95. A day's work for all conductors and motormen who are employed by or on behalf of a street railway company shall not exceed ten hours, and shall be so arranged by the employer that it may be performed within twelve consecutive hours. No officer or agent of any such company shall require from said employees more than ten hours' work for a day's labor; but on legal holidays, on days when the company is required to provide for extraordinary travel, and, in case of accident or unavoidable delay, extra labor may be performed for extra compensation.

Day's work of employees.
1898, 386.
1894, 508, § 9.
R. L. 106, § 22.

FARES AND ACCOMMODATIONS.

SECTION 96. Every street railway company shall furnish reasonable accommodations for the conveyance of passengers, and for every wilful neglect to provide such accommodations shall forfeit not less than five nor more than twenty dollars; and may establish the rates of fare for all passengers and property conveyed or transported in its cars, subject, however, to the limitations named in its charter or hereinafter set forth.

Reasonable accommodations, etc.
1864, 220, § 26.
1865, 261.
1871, 381, § 33.
P. S. 118, § 48.
R. L. 112, § 69.

SECTION 97. If, in the opinion of the board of railroad commissioners, additional accommodations for the traveling public are required upon any street railway, it may, after due notice to the company and a hearing, make an order requiring such additional accommodations as it determines are just, and may alter, renew or revoke the order. A street railway company which, for more than one week after receiving notice in writing of such order, neglects to comply therewith, shall forfeit to the use of the city or town for which such additional accommoda-

Additional accommodations.
1891, 216.
R. L. 112, § 70.

tions are ordered, or if they are ordered for more than one city or town, to the use equally of such cities or towns, one hundred dollars for each day thereafter during which such neglect continues.

Special service
cars, etc.
1898, 578, § 18.
R. L. 112, § 71.

SECTION 98. A street railway company may provide cars for special service, and may make special rates therefor; and may make special rates for working men and working women on week days between the hours of five and seven in the morning and five and seven in the evening, and for children attending school. Such company shall not give free tickets or passes to any state, county or municipal official, or to any person in the employ of the commonwealth or of any county, city or town, except policemen, firemen and letter carriers, in uniform; but it may give them to a director of the company or to any person who is connected with it in any executive capacity. A company which violates any of the provisions of this section shall forfeit for each offence not less than one hundred dollars nor more than five hundred dollars.

Passes.

Special rates
for pupils in
public schools.
1900, 197.
R. L. 112, § 72.
187 Mass. 496.

SECTION 99. The rates of fare charged by a street railway company for the transportation of pupils of the public schools between a given point, from or to which it is necessary for them to ride in travelling to or from the schoolhouses in which they attend school and their homes, whether such schoolhouses are located in the city or town in which the pupils reside or in another city or town, shall not exceed one half the regular fare charged by such street railway company for the transportation of other passengers between said points, and tickets for the transportation of pupils as aforesaid, good during the days when said schools are in session, shall be sold by said company in lots of ten each. A railway company which violates the provisions of this section shall forfeit twenty-five dollars for each offence.

Regulation of
fares.
1864, 229, § 26.
1871, 381, § 34.
P. S. 113, § 44.

SECTION 100. All provisions of law relative to changes and regulation of fares upon railroads shall apply to changes and regulation of fares upon street railways.

1898, 578, § 23. 1901, 180. R. L. 112, § 73. 185 Mass. 183.

Withdrawal of
free checks and
free transfers.
1894, 383.
R. L. 112, § 74.

SECTION 101. A street railway company shall not withdraw or discontinue the use of any free checks or free transfers from one car or line of cars to another without the approval of the board of railroad commissioners; but it may regulate the use thereof to conform to rates of fare established under authority of section ninety-six.

SECTION 102. Every street railway company shall cause to be printed on the transfer tickets issued by it to passengers the conditions under which such tickets may be used. Whoever uses a transfer ticket in violation of any such condition, or whoever uses or attempts to use a transfer ticket not issued to him, or whoever for value disposes of or attempts to dispose of a transfer ticket issued to him to any other person, or whoever for value delivers or attempts to deliver a transfer ticket not issued to him to any person, shall be punished by a fine not exceeding fifty dollars or by imprisonment for a term not exceeding thirty days.

Penalty for misuse of transfer tickets. 1904, 267.

INCREASE OF CAPITAL STOCK AND ISSUE OF BONDS.

SECTION 103. A street railway company, for the purpose of building an extension, or of acquiring land for pleasure resorts, or of acquiring or building power houses or car houses or park buildings, or of acquiring or equipping additional rolling stock, or of changing its motive power, or of furnishing electricity to a town for light, or of abolishing grade crossings, or of paying betterment assessments for widening or otherwise altering streets, or of complying with any requirements lawfully imposed, or of making permanent investments or improvements, or of acquiring any additional real or personal property necessary or convenient for its corporate objects, or of refunding its funded debt, or for the payment of money borrowed or indebtedness incurred for any of the foregoing purposes, or for other similarly necessary and lawful purposes, may, in accordance with the provisions of sections one hundred and seven, one hundred and eight, one hundred and eleven and one hundred and twelve of Part III, and of sections forty-eight to fifty-six, inclusive, of Part II, increase its capital stock or issue bonds, secured by mortgage or otherwise, to such an amount, beyond the amounts fixed and limited by its agreement of association or its charter, or by any special law, as the board of railroad commissioners shall determine will realize the amount which has been properly expended or will be properly required, and as said board shall approve for such of the purposes aforesaid as are set out in its petition to said board.

Increase of capital stock and issue of bonds for certain purposes. R. L. 112, §§ 20, 21, 23, 76. 1902, 370.

REDUCTION OF CAPITAL STOCK.

Reduction of
capital stock.
1890, 326.
R. L. 112, § 22.

SECTION 104. Upon the petition of a street railway company for authority to reduce its capital stock, presented in accordance with a vote of the stockholders at a meeting called for the purpose, the board of railroad commissioners may, after a hearing and such examination of the financial condition of the company as it considers necessary, authorize such reduction to be made, if it appears to be consistent with the public interests and with the limitations imposed by general or special laws. A certificate of the amount of the reduction and of any terms and conditions imposed shall be forthwith filed by said board in the office of the secretary of the commonwealth. When such reduction is made, no money or other property shall be paid or transferred to the stockholders unless specially authorized by said board, and by a vote of the directors of the company taken by yeas and nays at a meeting called for the purpose. The directors who vote therefor shall be jointly and severally liable for the debts or contracts of the company which exist at the time when the capital stock is reduced, to the extent of the money or property paid or transferred to the stockholders.

STOCK AND SCRIP DIVIDENDS.

Stock and scrip
dividends.
1868, 310, § 1.
1871, 389.
1874, 372, § 177.

SECTION 105. A street railway company shall not declare any stock or scrip dividend or divide the proceeds of the sale of stock or scrip among its stockholders.

P. S. 105, § 18; 112, § 61. 1894, 350, § 1. R. L. 106, § 20.

Liability of
directors.
1868, 310, § 2.
P. S. 105, § 19;
112, § 61.
1894, 350, § 2.
R. L. 106, § 21.

SECTION 106. A certificate of stock or scrip issued in violation of the provisions of the preceding section shall be void; and each director of the company issuing it shall be liable to a penalty of one thousand dollars, to be recovered by indictment in the county in which he resides, or, if he resides in no county in this commonwealth, in the county in which he is commorant, or the offence was committed; but if any such director proves that, before such issue, he filed his dissent in writing thereto with the clerk, or was absent, and at no time voted therefor, he shall not be so liable.

ISSUE OF CAPITAL STOCK, BONDS, COUPON NOTES AND OTHER EVIDENCES OF INDEBTEDNESS.

SECTION 107. A street railway company shall issue only such amounts of stock and bonds, coupon notes and other evidences of indebtedness payable at periods of more than twelve months after the date thereof, as the board of railroad commissioners may from time to time determine to be reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. Said board shall render a decision upon an application for such issue within thirty days after the final hearing thereon. Such decision shall be in writing, shall assign the reasons therefor, shall, if authorizing such issue, specify the respective amounts of stock or bonds, or of coupon notes or other evidences of indebtedness as aforesaid, which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied, and shall, within seven days after it has been rendered, be filed in the office of said board. A certificate of the decision of said board shall, within three days after such decision has been rendered and before the stock or bonds or coupon notes or other evidences of indebtedness as aforesaid are issued, be filed in the office of the secretary of the commonwealth, and a duplicate thereof delivered to the company. Such company shall not apply the proceeds of such stock or bonds or coupon notes or other evidences of indebtedness as aforesaid to any purpose not specified in such certificate.

Issue of capital stock, bonds, coupon notes and other evidences of indebtedness.
1875, 161.
P. S. 110, § 7.
1894, 460, § 1;
452, § 1; 462, § 1.
1897, 387, § 1.
R. L. 109, § 24.
[1 Op. A. G. 859.]

SECTION 108. A street railway company, unless expressly authorized by its charter or by special law, shall not issue bonds, coupon notes or other evidences of indebtedness payable at periods of more than twelve months after the date thereof to an amount which, including the amount of all such securities previously issued and outstanding, exceeds in the whole the amount of its capital stock at the time actually paid in; but this limitation shall not apply to the issue of bonds for the purpose of paying and refunding at maturity bonds lawfully issued prior to the second day of June in the year eighteen hundred and ninety-seven; nor shall it apply to such of the bonds issued or to be issued under a mortgage as are deposited to retire at or before maturity bonds or other evidences of indebted-

Limit of issue of bonds, coupon notes and other evidences of indebtedness.
1893, 316, § 2.
1897, 387, § 2.
R. L. 109, § 25.

ness previously issued and outstanding at the date of such mortgage, and as do not exceed the par value of the funded or other debt so to be retired; and such company shall not issue the securities specified in this section unless authorized by a vote of its stockholders at a meeting called for the purpose.

Enforcement.
1884, 450, § 3;
452, § 3; 462, § 3.
1893, 473.
R. L. 109, § 27.

SECTION 109. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of the board of railroad commissioners, of the attorney-general, of any stockholder or of any interested party, to enforce the provisions of the two preceding sections and all lawful orders and decisions, conditions or requirements of said board made in pursuance thereof.

Penalties.
1884, 450, § 2;
452, § 2; 462, § 2.
R. L. 109, § 28.

SECTION 110. A director, treasurer or other officer or agent of a street railway company who knowingly votes to authorize the issue of, or knowingly signs, certifies or issues, stock or bonds contrary to the provisions of the three preceding sections, or who knowingly votes to authorize the application, or knowingly applies the proceeds, of such stock or bonds contrary to the provisions of said sections, or who knowingly votes to assume or incur, or knowingly assumes or incurs in the name or behalf of such company, any debt or liability except for the legitimate purposes of the company shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

New shares to
be offered to
stockholders
upon increase
of capital
stock.
1870, 179.
1871, 392, § 1.
1873, 39, § 1;
305.
1878, 84, § 1.
1879, 90, § 1.
P. S. 106, § 39;
112, § 58; 113,
§ 16.
1883, 315, § 1.
1894, 473, § 1.
R. L. 109, § 30.

SECTION 111. If a company which owns or operates a street railway increases its capital stock, such new shares as are necessary to produce the amount of increased capital stock which has been authorized shall, except as provided in the following section, be offered proportionately to its stockholders at such price not less than the market value thereof at the time of increase, as may be determined by the board of railroad commissioners, taking into account previous sales of stock of the company and other pertinent conditions, which determination shall be in writing and with the date thereof shall be certified to and recorded in the books of the company. The directors, upon the approval of such increase as provided in section one hundred and seven, and the determination of the market value as hereinbefore provided, shall cause written notice of such increase to be given to each stockholder of record upon the books of the company at the close of business

on the date of such determination by said board, stating the amount of such increase, the number of shares or fractions of shares to which he, according to the proportionate number of his shares at the date of such determination, is entitled, the price at which he is entitled to take them, and fixing a time, not less than fifteen days after the date of such determination by said board, within which he may subscribe for such additional stock. Each stockholder may, within the time limited, subscribe for his portion of such stock, which shall be paid for in cash before the issue of a certificate therefor.

SECTION 112. If the increase in the capital stock which is subject to the provisions of the preceding section does not exceed four per cent of the existing capital stock of the company, the directors, without first offering the same to the stockholders, may sell them by auction to the highest bidder at not less than the par value thereof to be actually paid in cash. They may also so sell at public auction any shares, which, after the expiration of the time limited in the notice required by the preceding section, remain unsubscribed for by the stockholders entitled to take them. Such shares shall be offered for sale in the city of Boston, or in such other city or town as may be prescribed by the board of railroad commissioners; and notice of the time and place of such sale shall be published at least five times during the ten days immediately preceding the sale in each of at least three of such daily newspapers as may be prescribed by said board. No shares shall be sold or issued under this or the preceding section for a less amount to be actually paid in cash than the par value thereof.

Stock sold at
auction.
1870, 179.
1871, 382, § 2.
1873, 39, § 1;
306; 333.
1874, 372, § 46.
1878, 84, § 2.
1879, 90.
P. S. 106, § 40;
112, § 58, 113,
§ 16.
1893, 315, § 2.
1894, 472, §§ 1, 2.
R. L. 109, § 31.

RAILROAD CROSSINGS.

SECTION 113. For the purpose of avoiding or abolishing a crossing of a railroad by the tracks of a street railway company at grade, the company may purchase or otherwise take land necessary therefor, not exceeding fifty feet in width, outside the limits of a public way; but no land shall be so taken which cannot lawfully be taken for the laying out of a railroad, nor shall it be so taken until a plan on an appropriate scale, showing by metes and bounds the land, and the names of the owners thereof, has, after notice to such owners, and after such public notice and hearing as is required by section seven, been

Abolition of
railroad cross-
ings.
1893, 404, § 1.
R. L. 112, § 65.

approved in writing by the board of aldermen of the city or the selectmen of the town in which such land is situated; nor shall the land of a railroad corporation or of another street railway company be so taken without its consent, except with the approval of the board of railroad commissioners, after notice and a hearing.

Description
of land.
1898, 404, § 2.
R. L. 112, § 66.

SECTION 114. A deed or description and a plan of the land so purchased or taken shall be filed in the registry of deeds for the county or district in which the land is situated; and the provisions of law relative to the assessment, payment or recovery of damages for land and other property taken for railroad purposes shall apply to land and property taken under the provisions of the preceding section.

Construction
of tracks out-
side public
ways.
1898, 404, § 3.
R. L. 112, § 67.

SECTION 115. A street railway company, which has acquired land for such purpose, may construct its railway over or under a railroad, in the manner agreed upon by the companies, or, if they do not agree, in the manner prescribed by the board of railroad commissioners; but no overhead structure shall be built at a height of less than eighteen feet above the railroad track without the consent in writing of said board.

Structures
within limits
of public ways
or state high-
ways.
1898, 404, § 4.
R. L. 112, § 68.

SECTION 116. The board of aldermen of a city or the selectmen of a town in case of a public way, and the Massachusetts highway commission, in case of a state highway, may authorize structures or alterations within, or partly within, the limits thereof, which are necessary for carrying a street railway over or under a railroad, if such way is not thereby made unsafe for other public travel.

LIENS FOR LABOR AND MATERIALS.

Liens for labor
and materials.
1904, 373.

SECTION 117. A person to whom a debt is due for labor performed or for materials furnished and actually used in constructing a street railway under a contract with a person, other than the street railway company, who has authority from or is rightfully acting for such company in furnishing such labor or materials shall have a right of action against such company to recover such debt with costs, except as provided in the four following sections.

Exception.
1904, 373.

SECTION 118. A person who has contracted to construct the whole or a specified part of such street railway shall not have such right of action.

SECTION 119. A person shall not have such right of action for labor performed, unless, within thirty days after ceasing to perform it, he files in the office of the clerk of a city or town in which any of said labor was performed a written statement, under oath, of the amount of the debt so due to him and of the name of the person or persons for whom and by whose employment the labor was performed. Such right of action shall not be lost by a mistake in stating the amount due; but the claimant shall not recover as damages a larger amount than is specified in said statement as due him, with interest thereon.

Filing of
claims for
labor.
1904, 373.

SECTION 120. A person shall not have such right of action for materials furnished, unless, before beginning to furnish them, he files in the office of the clerk of the city or town in which any of the materials were furnished, in the manner provided for filing the statement mentioned in the preceding section, a written notice of his intention to claim such right.

— for
materials.
1904, 373.

SECTION 121. Such action shall not be maintained unless it is begun within sixty days after the plaintiff ceased to perform such labor or to furnish such materials.

Statute of
limitations.
1904, 373.

CHANGE OF NAME.

SECTION 122. Upon the application of any street railway company, authorized by a vote of two thirds of the stockholders present and voting at a meeting called for the purpose, the board of railroad commissioners may, after public notice and a hearing, authorize such company to change its name.

Change of
name.
1891, 360, §§ 1,
2, 6.
1892, 198, 201.
1895, 104.
1898, 474, § 9.
1899, 164; 442,
§ 9.
1901, 422, § 9.
R. L. 109, § 9.

SECTION 123. A certified copy of such authorization and a certificate of the vote of the corporation, signed and sworn to by the president, treasurer and a majority of the directors, shall be filed in the office of the secretary of the commonwealth. The board of railroad commissioners shall require public notice to be given of the change so authorized; and upon receipt of proof thereof the secretary of the commonwealth may grant a certificate of the name which the company shall bear, which, subject to the restrictions of section four, shall thereafter be its legal name.

— certificate
of, to be filed
with secretary
of the com-
monwealth.
1891, 360, §§ 3,
6.
R. L. 109, § 10.

SECTION 124. A street railway company shall have the same rights, powers and privileges, and be subject to the same duties, obligations and liabilities, under its new name

Rights and
liabilities
under new
name.
1891, 360, § 4.
R. L. 109, § 11.

as before its name was changed, and may sue and be sued by its new name; but any action brought against it by its former name shall not be defeated on that account, and, on motion of either party, the new name may be substituted therefor.

TAXATION.

A. Corporate Franchise Tax.

Annual
returns to tax
commissioner.
1864, 208, §§ 2, 3.
1865, 283, § 3.
1880, 117, § 2.
P. S. 13, § 38.
1885, 238, § 1.
1886, 270.
1888, 413, § 24.
1898, 417, § 78,
§ 2.
R. L. 14, § 37.
12 Allen, 75.
98 Mass. 25.
139 Mass. 561.
144 Mass. 598.
146 Mass. 408.
157 Mass. 70.
[1 Op. A. G.
278.]
187 Mass. 352.

SECTION 125. Every street railway company organized under general or special laws of the commonwealth, in addition to all returns required by its charter, shall annually, between the first and tenth days of May, return to the tax commissioner, under the oath of its treasurer, the amount of the capital stock of the company, its place of business and the par value and market value of the shares made up as of said first day of May. It shall also contain a statement in detail of the works, structures, real estate and machinery owned by said company and subject to local taxation within the commonwealth, and of the location and value thereof. A street railway company, whether chartered or organized in this commonwealth or elsewhere, shall also state in its return the whole length of its line, and so much of the length of its line as is without the commonwealth; also the length of track operated by it in each city and town on the thirtieth day of September preceding the return, to be determined by measuring as single track the total length of all tracks operated by it including sidings and turn-outs whether owned or leased by it or over which it has trackage rights only; and the amount of dividends paid on its capital stock during the year ending on such preceding thirtieth day of September and during each year from the organization of the company.

Valuation of
corporate fran-
chise, etc.
Deductions.
1864, 208, §§ 5, 6.
1865, 283, §§ 4, 5.
1880, 117, § 2.
P. S. 13, §§ 38, 40.
1885, 238, § 1.
1886, 270.
1898, 417.
R. L. 14, § 38.
13 Allen, 391.
98 Mass. 19, 25.
100 Mass. 184,
399.
125 Mass. 568.
137 Mass. 80.
139 Mass. 561.
144 Mass. 598.

SECTION 126. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares of each street railway company, and shall estimate therefrom the fair cash value of all of said shares constituting its capital stock on the preceding first day of May, which, unless by the charter of the company a different method of ascertaining such value is provided, shall, for the purposes of this act, be taken as the true value of its corporate franchise. From such value there shall be deducted, in case of a street railway company whether chartered or organized in this commonwealth or elsewhere, so

much of the value of its capital stock as is proportional to the length of that part of its line, if any, lying without the commonwealth; and also the value of its real estate and machinery subject to local taxation within the commonwealth.

For the purposes of this section, the tax commissioner may take the value at which such real estate and machinery is assessed at the place where it is located as the true value, but such local assessment shall not be conclusive of the true value thereof.

SECTION 127. The tax commissioner may require the company to prosecute an appeal from the valuation of its real estate or machinery by the assessors of a city or town, either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

SECTION 128. Every street railway company subject to the provisions of section one hundred and twenty-five shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section one hundred and twenty-six, at a rate determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter; but if the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to the secretary of the commonwealth, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to said secretary, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

SECTION 129. If the value of the real estate and machinery of a street railway company subject to local taxation within the commonwealth, as determined by the tax commissioner, is less than the value thereof as determined

146 Mass. 408.
152 Mass. 372.
157 Mass. 70.
167 Mass. 522.
188 U. S. 1.

Company's
appeal from
local valuation.
1885, 283, § 6.
P. S. 13, § 41.
1890, 127, § 7.
1898, 417.
R. L. 14, § 39.

Tax to be paid
on corporate
franchise.
Rate, how determined.
1884, 208, § 5.
1885, 283, § 5.
1890, 117, § 2.
P. S. 13, § 40.
1885, 283, § 1.
1898, 417.
1898, 413, § 24.
R. L. 14, § 40.
12 Allen, 75, 238.
98 Mass. 119, 25.
99 Mass. 148,
151.
106 Mass. 527.
126 Mass. 569.
137 Mass. 80.
139 Mass. 561.
146 Mass. 408.
157 Mass. 70.
167 Mass. 522.
6 Wallace, 682.
178 U. S. 120.

Remedy of
company
when assess-
ors' valuation
of real estate
exceeds tax

commis-
sioner's.
1865, 283, § 6.
P. S. 13, § 41.
1898, 417.
R. L. 14, § 42.
187 Mass. 81.
146 Mass. 408.
152 Mass. 384.
167 Mass. 522.

by the assessors of the place where it is situated, he shall give notice of his determination to such company; and, unless within one month after the date of such notice it applies to said assessors for an abatement, and, upon their refusal to grant an abatement, prosecutes an appeal under the provisions of section seventy-seven of chapter twelve of the Revised Laws, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said company.

B. Additional Corporate Franchise Tax.

Additional
corporate
franchise tax.
1896, 417; 578,
§ 8.
R. L. 14, § 41.

SECTION 130. If an operating street railway company, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, has paid during the year ending on the thirtieth day of September preceding the date of the return required by section one hundred and twenty-five dividends exceeding in the aggregate eight per cent upon its capital stock, it shall for every such year, in addition to the tax required by section one hundred and twenty-eight, pay a tax equal to the amount of such excess to be determined as therein provided by the tax commissioner; but such additional tax shall not be imposed, if, from the date when the company commenced to operate its railway, it has not paid dividends equivalent in the aggregate to at least six per cent per annum upon its capital stock from year to year.

C. Exemption and Apportionment.

Exemption
from local
taxation.
Apportion-
ment.
1864, 208, §§ 8,
15.
1865, 283, § 15.
1896, 291, § 2.
P. S. 13, § 57.
1887, 228.
1888, 413, § 23.
1898, 417; 578,
§§ 4, 25.
1900, 413, § 5.
1901, 413, § 4.
R. L. 14, § 61.
135 Mass. 569.
139 Mass. 559.

SECTION 131. No taxes shall be assessed in a city or town for state, county or town purposes, upon the shares in the capital stock of a street railway company for any year for which it pays to the treasurer and receiver general a tax on its corporate franchise. The tax collected of each street railway company under the provisions of sections one hundred and twenty-eight and one hundred and twenty-nine shall be apportioned among the several cities and towns in proportion to the length of tracks operated by such company in said cities and towns respectively. The share of the tax paid by a street railway company in respect of its tracks upon locations granted by the

board of metropolitan park commissioners or by the Wachusett mountain state reservation commission shall be apportioned to the commonwealth and shall be credited by the treasurer and receiver general to the sinking fund of the loan to which the expenditure for the road, boulevard, park or reservation in which the tracks are located was charged.

SECTION 132. The tax commissioner shall, subject to appeal to the board of appeal, ascertain and determine the amount due to each city and town under the provisions of the preceding section, notify the treasurer of each city and town thereof and certify the amount as finally determined, to the treasurer and receiver general, who shall thereupon pay over the same.

Tax commissioner to determine amounts due to cities and towns.
1895, 233, § 15.
P. S. 13, § 58.
1898, 578, §§ 4, 5.
R. L. 14, § 62.

D. Commutation Tax.

SECTION 133. A street railway company, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, shall annually, on or before the fifteenth day of October, make and file in the office of the board of assessors of every city and town in which any part of the railway operated by it is situated a return signed and sworn to by its president and treasurer, stating the length of track operated by it in public ways and places in such city or town, and also the total length of track operated by it in public ways and places, determined as provided in section one hundred and twenty-five, and also the amount of its gross receipts during the year ending on the preceding thirtieth day of September, including therein all amounts received by it from the operation of its railway, but excluding income derived from sale of power, rental of tracks or other sources.

Annual returns to assessors.
1898, 417; 578, § 6.
R. L. 14, § 48.

SECTION 134. On or before the first day of November annually, the assessors of every city and town in which a street railway is operated, including a company whose lines are located partly within and partly without the limits of the commonwealth, whether chartered or organized under the laws of this commonwealth or elsewhere, shall assess on each company described in the preceding section operating a railway therein an excise tax of an amount equal to such proportion of the following percent-

Excise tax.
1898, 417; 578, § 7.
R. L. 14, § 48.

ages of the gross receipts of such company as the length of tracks operated by it in public ways and places of such city or town bears to the total length of tracks operated by it in public ways and places.

The percentages shall be based upon the annual gross receipts for each mile of track as follows and computed upon the aggregate of said annual gross receipts: four thousand dollars or less, one per cent; more than four thousand dollars and less than seven thousand, two per cent; more than seven thousand dollars and less than fourteen thousand, two and one quarter per cent; more than fourteen thousand dollars and less than twenty-one thousand, two and one half per cent; more than twenty-one thousand dollars and less than twenty-eight thousand, two and three quarters per cent; twenty-eight thousand dollars or more, three per cent.

The excise tax provided by this section shall be in addition to the taxes otherwise provided by law.

Revision of
tax.
1908, 578, § 8.
R. L. 14, § 45.

SECTION 135. The aldermen of a city, the selectmen of a town or a street railway company operating in such city or town may petition the board of railroad commissioners for a revision of the amount of the excise tax to be paid by a company under the provisions of the preceding section. Said board shall, upon such petition, after public notice and a hearing at which said aldermen or selectmen and said company may submit evidence, determine the average annual cost to said city or town of the work done by it during the preceding three years under the provisions of this act which it was not by law required to do prior to the first day of October in the year eighteen hundred and ninety-eight, and also the average annual payments made by said company to said city or town under and pursuant to the provisions of the preceding section during said three years; and having determined said average annual cost and average annual payments, said board shall fix and determine the proportion of a percentage of the gross receipts which shall be paid as an excise tax under the provisions of said section by the company to said city or town annually thereafter, said percentage to be fixed at such a rate as will be necessary to yield to said city or town annually thereafter an amount equal to the average annual cost to said city or town determined as aforesaid; and the percentage so fixed shall not be again changed for the period of three years and only in the man-

ner herein provided. Said board may at any time upon petition therefor by a city or town entitled to a part of the excise tax paid by a street railway company, after such notice as the board may order to all other cities and towns entitled to share in the excise tax paid by said company, and after a hearing, determine as to the distribution thereof among the several cities and towns in which such company operated any part of its railway, and fix the proportions thereof to which they shall respectively be entitled, which shall thereafter be the proportions of said excise tax to be assessed upon said company, instead of the proportion based upon length of tracks as hereinbefore provided.

SECTION 136. Prior to the fifteenth day of November in each year, the assessors of every city and town shall notify the collector of taxes thereof of the amount of excise tax assessed therein under the provisions of section one hundred and thirty-four, and the collector shall forthwith notify the treasurer of every street railway company of the amount of excise tax so assessed upon it, which shall become due and payable within thirty days after the receipt of such notice. The provisions of chapter thirteen of the Revised Laws, so far as appropriate, shall apply to the collection of such excise tax.

Notice to tax collector of amount of excise tax. 1898, 578, § 9. R. L. 14, § 46.

E. Application of Taxes.

SECTION 137. All taxes which are collected from a street railway company and paid to a city or town under the provisions of the preceding section, of section one hundred and thirty-two, and of section twenty-eight of chapter five hundred and seventy-eight of the acts of the year eighteen hundred and ninety-eight shall be applied toward the repair and maintenance of the portions of the public ways and places in which the tracks of such company are located, and to the removal of snow from such public ways and places within such city or town.

Application of taxes. 1898, 578, § 10. R. L. 14, § 47.

DISSOLUTION.

SECTION 138. If a majority in interest of the stockholders of a street railway company desire to close its affairs, they may file a petition therefor in the supreme judicial court or the superior court, setting forth in substance the grounds of their application, and the court, after

Dissolution. 1892, 55, §§ 1, 3. G. S. 83, § 35. P. S. 103, § 40. R. L. 108, § 52. 7 Gray, 119, 368. 9 Gray, 84. 13 Allen, 497. 99 Mass. 287. 119 Mass. 447.

notice to parties interested and a hearing, may decree a dissolution of said company. A company so dissolved shall be held to be extinct in all respects as if its corporate existence had expired by its own limitation.

Continuation
for three years
to close con-
cerns.

1819, 43.
R. S. 44, § 7.
G. S. 68, § 36.
P. S. 105, § 41.
R. L. 109, § 53.
16 Mass. 245.
22 Pick. 180.
28 Pick. 345.
123 Mass. 32.
161 Mass. 443.

SECTION 139. Every street railway company whose charter expires by its own limitation or is annulled by forfeiture or otherwise, or whose corporate existence for other purposes is terminated in any other manner, shall nevertheless be continued as a body corporate for three years after the time when it would have been so dissolved, for the purpose of prosecuting and defending suits by or against it, and of enabling it gradually to settle and close its affairs, to dispose of and convey its property, and to divide its capital stock, but not for the purpose of continuing the business for which it was established.

Receivers.

1833, 145.
R. S. 44, §§ 8, 9.
1852, 55, § 2.
G. S. 68, §§ 37,
38.
P. S. 105, §§ 42,
43.
1884, 203.
R. L. 109, § 54.
157 Mass. 81.

SECTION 140. If the charter of a street railway company expires or is annulled, or if the company is dissolved as provided in section one hundred and thirty-eight, or if its corporate existence for other purposes is terminated in any other manner, the supreme judicial court or the superior court, upon application of a creditor or stockholder, shall have jurisdiction in equity to appoint one or more receivers to take charge of its estate and effects, and to collect the debts and property due and belonging to it; with power to prosecute and defend suits in its name or otherwise, to appoint agents under them, and to do all other acts which might be done by such company, if in being, which may be necessary for the final settlement of its unfinished business. The powers of such receivers may be continued as long as the court finds necessary for said purposes.

—to pay debts
and distribute
surplus.

1833, 145.
R. S. 44, § 10.
1852, 55, § 2.
G. S. 68, § 39.
P. S. 105, § 44.
R. L. 109, § 55.
1 Gray, 382.

SECTION 141. The receivers shall pay all debts due from the company, if the funds in their hands are sufficient therefor; and if they are not, they shall distribute them ratably among the creditors who prove their debts in the manner directed by any decree of the court for that purpose. If there is a balance remaining after the payment of the debts, the receivers shall distribute and pay it to those who are justly entitled thereto as having been stockholders of the company, or their legal representatives.

Surrender of
certificate of
incorporation.
1898, 502.
R. L. 109, § 56.

SECTION 142. If a petition, signed and sworn to by a majority in interest of the stockholders of a street railway company organized under the general laws, has, with the certificate of incorporation, been filed in the office of the

secretary of the commonwealth, stating that such stockholders desire to surrender the certificate of incorporation and to have the company dissolved and giving their reasons therefor, the secretary, if he consider such reasons sufficient, shall require the petitioners to publish a notice in one or more newspapers in the county in which the principal office of the company is located, that, for reasons which appear to him to be sufficient, the certificate of incorporation of the company therein named is annulled. Upon the filing by the petitioner with the secretary of a copy of each newspaper in which the notice of dissolution was ordered to be published, the company shall be dissolved, subject to the provisions of the three preceding sections.

SECTION 143. If a street railway company is dissolved, the clerk of the court in which the decree for dissolution is entered shall forthwith make return thereof to the secretary of the commonwealth, giving the name of the company dissolved, and the date upon which such decree was entered.

Returns to
secretary of
the common-
wealth of
dissolution.
1880, 187.
P. S. 106, § 45.
R. L. 106, § 57.

SALE BY RECEIVERS.

SECTION 144. A receiver of the property of a street railway company may, by order of the court, sell and transfer the railway and property of such company, its locations and franchises, on such terms and in such manner as the court may order. The purchasers from such receiver, and a company organized under the provisions of the following section, if such railway has been transferred to it, shall hold and possess said railway, all its rights and franchises and all property acquired in connection therewith, with the same rights and privileges and subject to the same duties and liabilities as the original street railway company; but no action shall be brought against such purchasers or such new company, to enforce any liability incurred by said original company, except debts and liabilities owing from said original company to any city or town within which the railway is operated and taxes and assessments for which said original company is liable under the statutes relating to street railways, which shall be assumed and paid by said new company. The provisions of this section shall not impair the powers of the holders of an outstanding mortgage to enforce their rights by suit or otherwise.

Sale of railway
by receivers.
1900, 881, §§ 1,
2, 3.
R. L. 112, § 12.

Agreement of
association of
new company.
1900, 381, §§ 3, 4,
5.
R. L. 112, §§ 13,
14.

SECTION 145. The purchasers at such sale shall, with their associates, to the number of at least fifteen, within sixty days after such sale, organize a company for the purpose of holding, owning and operating the street railway purchased, by filing in the office of the secretary of the commonwealth a written agreement of association, which shall state:

(a) That the subscribers thereto associate themselves with the intention of forming a street railway company.

(b) The corporate name assumed, which shall be one not in use by any other street railway company in this commonwealth, or, in the judgment of the board of railroad commissioners, so similar thereto as to be likely to be mistaken for it, and which shall contain the words, "street railway company", at the end thereof.

(c) The corporate name of the street railway company whose property and franchises have been purchased.

(d) The termini of the railway.

(e) The length of the railway, as nearly as may be.

(f) The name of each city and town in which the railway is located.

(g) The name of the court by which the sale was ordered, the date of such order, and the date of the sale.

(h) The total amount of the capital stock of the company, which shall be fixed at an amount approved by the board of railroad commissioners, but which shall not exceed the fair cost, as determined by said board, of replacing the railway and property so acquired, less the amount of any outstanding mortgages to which said railway and property may be subject in the hands of the new company.

(i) The par value of the shares, which shall be one hundred dollars.

(j) The names and residences of at least five persons, who shall be subscribers to the agreement of association, to act as directors until others are chosen and qualified in their stead.

Each associate shall subscribe to the agreement of association his name, residence, post office address, and the number of shares of stock which he agrees to take.

Organization.
1900, 381, §§ 3, 4,
5.
R. L. 112, §§ 13,
14.

SECTION 146. The secretary of the commonwealth shall receive the agreement of association, and preserve the same in form convenient for reference and open to public inspection, and shall issue a certificate of incorporation in the form which is authorized by section nine. Thereupon,

the company shall organize in the manner provided for the organization of a street railway company under general laws. Such company may begin business as soon as it is organized, and shall have all the rights and be subject to all the duties of a street railway company, except as otherwise provided in this and the preceding section. If said purchasers fail to organize a company as hereinbefore provided, all rights and powers to operate said railway shall thereupon cease.

SAVINGS BANKS.

SECTION 147. In addition to the investments authorized by section twenty-six of chapter one hundred and thirteen of the Revised Laws, savings banks and institutions for savings may invest their deposits and the income derived therefrom in the bonds, approved by the bank commissioner, as hereinafter provided for, of any street railway company incorporated in this commonwealth, the railway of which is situated wholly or partly therein, and which has earned and paid annually for the five years last preceding the certification hereinafter provided for of the board of railroad commissioners dividends of not less than five per cent per annum upon all of its outstanding capital stock. In any case where two or more companies have been consolidated by purchase or otherwise during the five years prior to the certification aforesaid the payment severally from the earnings of each year of dividends equivalent in the aggregate to a dividend of five per cent upon the aggregate capital stocks of the several companies during the years preceding such consolidation shall be sufficient for the purpose of this section. Dividends paid to the stockholders of the West End Street Railway Company by way of rental shall be deemed to have been earned and paid by said West End Street Railway Company within the meaning of this section.

Savings banks may invest in certain street railway bonds. 1902, 483, § 1.

SECTION 148. The board of railroad commissioners shall on or before the fifteenth day of January of each year transmit to the bank commissioner a list of all street railway companies which appear from the returns made by said companies to have properly paid, without impairment of assets or capital stock, the dividends required by the preceding section.

Railroad commissioners to transmit list to bank commissioner. 1902, 483, § 2.

SECTION 149. The bank commissioner shall, as soon as may be after the receipt of the list provided for in the

Bank commissioner to prepare lists. 1902, 483, § 3.

preceding section, prepare a list of such bonds issued by any street railway company and certified by the board of railroad commissioners, in accordance with the provisions of the preceding section, as the bank commissioner shall deem good and safe securities for the investments of savings banks and institutions for savings. Such list shall at all times be kept open to the inspection of the public.

Savings banks may loan upon certain street railway bonds as collateral. 1904, 210.

SECTION 150. Savings banks and institutions for savings may invest their deposits and the income derived therefrom in the note or notes of any citizen of this commonwealth, with a pledge as collateral, at not more than the par value thereof, of the bonds of a street railway company in which the savings banks of the commonwealth are authorized by law to invest.

BOOKS, RETURNS AND REPORTS.

Books and returns. 1857, 40, §§ 5, 6; 240, §§ 1-3. 1858, 43, § 8. G. S. 63, §§ 143, 144. 1864, 229, §§ 40, 41. 1870, 307, 338. 1871, 331, §§ 52, 53, 56. 1876, 173; 185, § 1. P. S. 113, § 58. R. L. 112, § 93.

SECTION 151. Every street railway company shall keep its books and accounts in a uniform manner, upon the system prescribed by the board of railroad commissioners; and the directors of every company shall annually, on or before the first Wednesday of November, transmit to said board a return of the doings of the company for the year ending on the thirtieth day of September preceding, which shall be sworn to by themselves and by the treasurer and the superintendent of the company. Such return shall set forth copies of all leases and contracts made during the year with other companies and individuals, and shall contain full and complete information upon the several items contained in the form prescribed by said board. A company which owns a leased railway shall be responsible for the completeness and correctness of its annual return to the same extent as if the railway were in its own possession. If a return is defective or appears to be erroneous, the said board shall notify the company to amend it within fifteen days. A company which neglects to make a return, or to amend it when notified so to do, shall forfeit twenty-five dollars for each day during which such neglect continues.

Board of railroad commissioners may change form of returns; to furnish blanks. 1857, 240, § 4. G. S. 63, § 143. 1864, 229, § 42.

SECTION 152. The board of railroad commissioners may make changes in and additions to the form of the returns required by the preceding section, if it gives to the several companies one year's notice of any such changes and additions as require an alteration in the method or

form of keeping their accounts; and shall annually, on or before the fifteenth day of September, furnish blank forms for such returns.

SECTION 153. The board of railroad commissioners shall prepare tables and abstracts of the returns of the several companies, and transmit said returns and tables and abstracts to the secretary of the commonwealth at the time and in the manner provided in section five of Part I for the transmission of the returns of railroad corporations.

SECTION 154. The lessee of a street railway shall make to the company which owns it the same annual return under oath of the operations and business of the railway as is required of the company which owns it; and, for failure so to do, shall be liable in an action of tort to said company for all the penalties prescribed by law for failure by it to make its annual return.

SECTION 155. Every state board and commission shall keep a record of its proceedings in any matter considered by it under the provisions of this chapter or under any laws affecting street railways, in which it shall enter every request made by any party before it for a ruling of law and of its action upon such request, and the neglect either to grant or refuse such request shall be taken in any judicial review of such proceedings as a refusal.

ADDITIONAL REMEDIES.

SECTION 156. If, in the judgment of the board of railroad commissioners, a street railway company has violated any law relative to such company, and after notice in writing from said board, continues such violation, or refuses or neglects to make returns as required by law, or to amend the same when lawfully required so to do, said board shall forthwith present the facts to the attorney-general for his action.

SECTION 157. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the petition of a street railway company, or of the board of aldermen of a city or the selectmen of a town in which the street railway is located, or of any interested party, to compel the observance of and to restrain the violation of all laws which govern street railway companies, and of all orders, rules and regulations made in accordance with the provisions of this chapter by the board of aldermen of a

1871, 381, § 54.
P. S. 113, § 59.
R. L. 112, § 94.

Tables and abstracts of reports.
1871, 381, § 55.
P. S. 113, § 60.
R. L. 112, § 96.

Lessee of street railway to make same report to lessor.
1884, 229, § 24.
1871, 381, § 32.
P. S. 113, § 61.
R. L. 112, § 97.

Records of proceedings before boards.
1893, 573, § 25.
R. L. 112, § 98.

Board of railroad commissioners to notify attorney-general of violations of law, etc.
1870, 307, § 5;
383, § 1.
P. S. 113, § 62.
R. L. 112, § 99.

Enforcement of laws.
1861, 199, § 1.
1864, 223, § 43.
1866, 294, § 1.
1871, 381, § 57.
P. S. 113, § 63.
1891, 238.
1893, 573, § 25.
R. L. 112, § 100.
161 Mass. 416.
175 Mass. 318.
184 Mass. 310.
See *Palme v. Newton St. Ry.*, 190 Mass.

city, the selectmen of a town or the board of railroad commissioners, and to review, annul, modify or amend the rulings of any state board or commission relative to street railways as law and justice may require.

Repeal.

SECTION 158. Sections forty-one, forty-three, forty-four, forty-five, forty-six and forty-seven of chapter fourteen of the Revised Laws, section twenty-two of chapter one hundred and six of the Revised Laws, chapter one hundred and twelve of the Revised Laws; chapters two hundred and eighty-eight, three hundred and seventy, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-nine, four hundred and forty-nine and four hundred and eighty-three of the acts of the year nineteen hundred and two; chapters one hundred and thirty-four, one hundred and forty-three, two hundred and two and four hundred and seventy-six of the acts of the year nineteen hundred and three; chapters one hundred and ten, two hundred and ten, two hundred and sixty-seven, three hundred and seventy-three and four hundred and forty-one of the acts of the year nineteen hundred and four; chapters eighty, one hundred and thirty-four and three hundred and seventy-six of the acts of the year nineteen hundred and five; and, so far only as they apply to street railways or street railway companies, their officers, agents or employees, sections thirty-seven, thirty-eight, thirty-nine, forty, forty-two, sixty-one and sixty-two of chapter fourteen of the Revised Laws, section one of chapter thirty-four of the Revised Laws, section twenty-one of chapter forty-seven of the Revised Laws, section eighty-five of chapter forty-eight of the Revised Laws, sections nine, ten, eleven, fifteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-four, twenty-five, twenty-seven, twenty-eight, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven of chapter one hundred and nine of the Revised Laws, section twenty-eight of chapter one hundred and ten of the Revised Laws, section eleven of chapter one hundred and twenty-six of the Revised Laws; chapter four hundred and twenty-three of the acts of the year nineteen hundred and three; chapter three hundred and ninety-six of the acts of the year nine-

teen hundred and four; and chapters two hundred and sixty-six, two hundred and sixty-seven, two hundred and eighty-three and three hundred and thirty-nine of the acts of the year nineteen hundred and six are hereby repealed.

SECTION 159. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been wholly or partially revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, or any action, suit or proceeding pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred, under any of the laws repealed, but the proceedings shall, when necessary, conform to the provisions of this act. Any provision of this act by which a punishment, penalty or forfeiture is mitigated may be extended and applied to any judgment pronounced after said repeal.

Provisions,
construction
of, etc.

SECTION 160. This act shall not affect any act passed in the year nineteen hundred and six unless such act is specifically repealed herein. *Approved June 7, 1906.*

Not to affect
certain acts,
unless, etc.

AN ACT RELATIVE TO THE TERMS OF OFFICE OF PARK COMMISSIONERS OF THE CITY OF NORTHAMPTON.

Chap. 464

Be it enacted, etc., as follows:

SECTION 1. In the event that the city of Northampton shall before the first day of May in the year nineteen hundred and seven adopt the provisions of the first fourteen sections of chapter twenty-eight of the Revised Laws, as amended by section seven of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, the park commissioners first appointed in accordance with the provisions of said chapter shall commence to hold office at the time of their appointment and shall severally hold office, one until the expiration of one year, one until the expiration of two years, one until the expiration of three years, one until the expiration of four years and one

Term of office
of park com-
missioners
of the city of
Northampton.

until the expiration of five years from the first Monday of the following May.

SECTION 2. This act shall take effect upon its passage.

Approved June 7, 1906.

Chap.465 AN ACT TO AUTHORIZE THE CIVIL SERVICE COMMISSIONERS TO EMPLOY ADDITIONAL INSPECTORS.

Be it enacted, etc., as follows:

The civil service commissioners may employ additional inspectors.

SECTION 1. The civil service commissioners may employ in their department two additional inspectors, one of whom shall be a pay roll inspector at a salary not exceeding twelve hundred dollars per annum, and the other shall be a physical inspector at a salary not exceeding fifteen hundred dollars per annum. The said inspectors shall also be paid their necessary travelling expenses incurred in the performance of their duties.

SECTION 2. This act shall take effect upon its passage.

Approved June 7, 1906.

Chap.466 AN ACT RELATIVE TO THE TIME WITHIN WHICH THE TOWN OF RUSSELL MAY REFUND A PART OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

Town of Russell may refund a part of its debt.

SECTION 1. The time within which notes or bonds made or issued by the town of Russell for the purpose of refunding a part of its indebtedness, under authority of chapter two hundred and sixteen of the acts of the year eighteen hundred and ninety-nine, shall be payable, is hereby extended to fifteen years from the date of the passage of the said act; and the town is hereby authorized to issue new notes or bonds, not exceeding five thousand dollars in amount, under the provisions of the said chapter as hereby modified.

SECTION 2. This act shall take effect upon its passage.

Approved June 7, 1906.

Chap.467 AN ACT TO RELIEVE THE CITY OF NEWBURYPORT FROM A CERTAIN DEFICIT WHICH MAY EXIST BY REASON OF CERTAIN ALLEGED WRONGFUL ACTS OF ITS TREASURER.

Be it enacted, etc., as follows:

The city of Newburyport may extend, etc., a part of

SECTION 1. The city of Newburyport is hereby authorized to extend, renew or refund a part of its floating in-

debtedness and for that purpose may issue bonds, notes or scrip, to an amount not exceeding eighty thousand dollars. Such bonds, notes or scrip shall be payable within such periods, not exceeding fifteen years from the date thereof, as the city council shall determine, and shall bear interest payable semi-annually at a rate not exceeding four per cent per annum. Except as otherwise provided herein, the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor. The proceeds of such bonds, notes or scrip shall be used to discharge an equal amount of the maturing indebtedness of the city, consisting of five certain promissory notes each dated April 13, 1906, payable six months from said date, three being of the denomination of ten thousand dollars each, and the remaining two notes of the denomination of twenty-five thousand dollars each, provided said notes are valid obligations of the city; but this act shall in no wise be construed to be an affirmation or ratification of the legality of said notes.

its floating indebtedness.

SECTION 2. Any moneys recovered from James V. Felker, late treasurer of said city, or from the sureties on his bonds as such treasurer, less expenses of said recovery, shall be added to the sinking fund established for, or shall be applied to the payment of said bonds, notes or scrip.

Moneys recovered to be added to sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved June 7, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FIFTH ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

Chap. 468

Be it enacted, etc., as follows:

SECTION 1. There shall be appointed in the manner provided by law for the appointment of assistant clerks of the municipal court of the city of Boston a fifth assistant clerk of said court, for civil business, who shall receive from the county of Suffolk an annual salary of fifteen hundred dollars.

Fifth assistant clerk of the municipal court of Boston, appointment, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 7, 1906.

Chap.469 AN ACT RELATIVE TO THE USE OF ARMORIES PROVIDED FOR THE MILITIA.

Be it enacted, etc., as follows:

1905, 465, § 120,
amended.

Use of
armories
limited.

Proviso.

SECTION 1. Section one hundred and twenty of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five is hereby amended by inserting after the word "purposes", in the eleventh line, the words: — or for lectures, public meetings and public entertainments, — so as to read as follows: — *Section 120.* Armories provided for the militia shall not be used except by the organized militia, and they shall not be let to or occupied by any one except for a proper military purpose, and then only upon application approved by the commander-in-chief and intermediate commanders: *provided, however,* that the adjutant general, upon terms and conditions to be prescribed by him and upon an application approved by the military custodian of an armory provided in any city or town for the militia, may allow the temporary use of such armory in case of public emergency or for municipal purposes, or for lectures, public meetings and public entertainments. The compensation fixed by the adjutant general for every such temporary use shall be paid to the treasurer and receiver general within ten days after the occupation of the armory for such temporary use ceases, accompanied by the certificate of the adjutant general that the sum so paid is the correct amount; and all moneys so paid shall be credited to the armory appropriation for the fiscal year in which the payment is made.

SECTION 2. This act shall take effect upon its passage.

Approved June 8, 1906.

Chap.470 AN ACT RELATIVE TO THE DUTIES AND SALARY OF THE MESSENGER OF THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Duties, etc.,
of the mes-
senger of the
superior court,
county of
Suffolk.

SECTION 1. The messenger of the superior court for the county of Suffolk shall also act as clerical assistant of the justices of said court. He shall receive annually such compensation in full for his services both as messenger and as clerical assistant, not exceeding two thousand dol-

lars, as shall be fixed by the justices of said court, or by a majority of them.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1906.

AN ACT RELATIVE TO THE EXPENSES OF COMMITMENTS OF
INSANE PERSONS IN CERTAIN INSTANCES. Chap. 471

Be it enacted, etc., as follows:

SECTION 1. Section forty-nine of chapter eighty-seven of the Revised Laws, as amended by section one of chapter four hundred and seventy-five of the acts of the year nineteen hundred and five, is hereby further amended by adding after the word "institution", in the fourteenth line, the words: — or, if such person before his commitment to or confinement in any of the above named institutions was not an inhabitant of any county, such expenses shall be paid by the county in which such person was committed or from which he was sent to such institution; and the necessary expenses of returning to a public institution a person temporarily absent therefrom, under the provisions of section ninety-five of chapter eighty-seven of the Revised Laws, as amended by chapter four hundred and thirty-five of the acts of the year nineteen hundred and five, may in like manner be paid by such county, if a new commitment of said person would otherwise be necessary, — so as to read as follows: — *Section 49.* All necessary expenses attending the apprehension, examination, trial or commitment of an alleged insane person shall, if the commitment is to a state insane hospital, county receptacle or the Boston insane hospital, be allowed and certified by the judge, and presented as often as once a year to the county commissioners, who shall examine and audit the same; and they shall then be paid by the county of which the alleged insane person is an inhabitant or, if an inmate of any public institution for the insane, feeble-minded, epileptic, dipsomaniac or inebriate, of the state hospital or the state farm, be committed to any such institution, such expenses shall be paid by the county of which such inmate was last an inhabitant before his admission to the institution; or, if such person before his commitment to or confinement in any of the above named institutions was not an inhabitant of any county, such expenses shall be paid by the county in which such person was committed

R. L. 87, § 49,
etc., amended.

Expenses of
apprehension,
etc., of alleged
insane persons,
how paid.

or from which he was sent to such institution; and the necessary expenses of returning to a public institution a person temporarily absent therefrom, under the provisions of section ninety-five of chapter eighty-seven of the Revised Laws, as amended by chapter four hundred and thirty-five of the acts of the year nineteen hundred and five, may in like manner be paid by such county, if a new commitment of said person would otherwise be necessary. If application is made for commitment to any other asylum, hospital or receptacle, the expenses shall be paid by the applicant or by a person in his behalf.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1906.

Chap. 472 AN ACT RELATIVE TO THE EXAMINATION OF ALLEGED INSANE PRISONERS BY THE STATE BOARD OF INSANITY.

Be it enacted, etc., as follows:

R. L. 225, § 101,
amended.

SECTION 1. Section one hundred and one of chapter two hundred and twenty-five of the Revised Laws is hereby amended by inserting after the word "one", in the fifth line, the words: — or both, — by striking out after the word "and", in the eighteenth line, the words "notice shall be given", and inserting in place thereof the words: — shall give notice accompanied by a written statement regarding the mental condition of said prisoner, — and by striking out after the word "receive", in the twenty-fourth line, the words "three dollars a day for his services for each day so employed and his actual travelling expenses", and inserting in place thereof the words: — for his services four dollars for each examination and twenty cents for each mile travelled one way, — so as to read as follows: — *Section 101.* The state board of insanity shall designate two persons, experts in insanity, to examine prisoners in the state prison, the Massachusetts reformatory or the reformatory prison for women, who are alleged to be insane. If any such prisoner appears to be insane, the warden or superintendent shall notify one or both of the persons so designated, who shall, with the physician of the prison, examine the prisoner and report to the governor the result of their investigation. If, upon such report, the governor considers the prisoner insane and his removal expedient, he shall issue his warrant, directed to the warden or superintendent, authorizing him to cause the prisoner,

Removal of
insane
prisoners,
etc.

if a male, to be removed to the state asylum for insane criminals, and if a female, to be removed to one of the state insane hospitals, there to be kept until, in the judgment of the superintendent and trustees of the hospital to which the prisoner has been committed, he or she should be returned to prison. When the superintendent and trustees determine that the prisoner should be so returned, they shall so certify upon the warrant of the governor, and shall give notice accompanied by a written statement regarding the mental condition of said prisoner to the warden or superintendent of the prison, who shall thereupon cause the prisoner to be reconveyed to the prison, there to remain pursuant to the original sentence, computing the time of his detention or confinement in the hospital as part of the term of his imprisonment. The person who makes such examination of a prisoner shall, if he is not a salaried officer of the state board of insanity, receive for his services four dollars for each examination and twenty cents for each mile travelled one way, which shall be paid from the annual appropriation of the prison in which the prisoner is examined.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1906.

AN ACT TO PROVIDE FOR IMPROVING THE CHANNEL OF IPSWICH RIVER IN THE TOWN OF IPSWICH. Chap.473

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby directed to deepen and improve the channel of the Ipswich river in the town of Ipswich, and for this purpose may expend a sum not exceeding five thousand dollars.

Channel of the Ipswich river to be improved.

SECTION 2. This act shall take effect upon its passage.

Approved June 9, 1906.

AN ACT TO PROVIDE FOR THE RETIREMENT OF JUDGES OF PROBATE AND INSOLVENCY. Chap.474

Be it enacted, etc., as follows:

SECTION 1. Any judge of probate and insolvency who shall resign his office after having attained the age of seventy years and after having served at least ten consecutive years shall, during the remainder of his life, receive an

Retirement of judges of probate and insolvency, for age, etc.

amount equal to one half of the salary by law payable to him at the time of his resignation, to be paid by the Commonwealth in the same manner as the salaries of said judges are paid.

Retirement,
etc., for illness,
etc.

SECTION 2. Any judge of probate and insolvency who, having attained the age of sixty years, and having served at least fifteen consecutive years, shall have become disabled from the full discharge of his duties as such judge by reason of illness or otherwise may, with the approval of the governor and council, resign his office under the provisions of this section, and shall thereupon during the remainder of his life receive the same amount, and in the manner provided for in the preceding section.

SECTION 3. This act shall take effect upon its passage.

Approved June 12, 1906.

Chap. 475 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified, to wit: —

Officers and men of the militia.

For the payment to certain officers and men of the Massachusetts volunteer militia for expenses in connection with instruction in riding, as authorized by chapter sixty-one of the resolves of the present year, a sum not exceeding thirteen hundred eighty-two dollars and eighty-five cents.

Bust of George Frisbie Hoar.

For a portrait bust of George Frisbie Hoar, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding five thousand dollars.

John J. Quinn.

For John J. Quinn, as authorized by chapter sixty-three of the resolves of the present year, the sum of twenty-five hundred dollars.

Jamestown exposition.

For expenses in connection with the Jamestown tercentennial exposition, as authorized by chapter sixty-five of the resolves of the present year, a sum not exceeding thirty thousand dollars.

Suppression of gypsy and brown tail moths.

For the further suppression of the gypsy and brown tail moths, as authorized by chapter sixty-six of the resolves of

the present year, a sum not exceeding seventy-five thousand dollars, the same to be in addition to any amounts heretofore appropriated for the same purpose.

For expenses in connection with taking a special census in the cities of Springfield and New Bedford, as provided for by section three of chapter one hundred and seven of the Revised Laws, the sum of thirteen hundred ninety-nine dollars and twenty-five cents.

Special census
in certain
cities.

For printing and binding the annual report of the tax commissioner, the sum of eighty-four dollars and seventeen cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Report of the
tax commis-
sioner.

For printing and binding the annual report of the civil service commissioners, the sum of forty-six dollars and sixty-five cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Report of civil
service com-
missioners.

For the expenses of the Massachusetts commission for the blind, as authorized by chapter three hundred and eighty-five of the acts of the present year, a sum not exceeding twenty thousand dollars.

Massachusetts
commission
for the blind.

For the Bradford Durfee Textile School of Fall River, as authorized by chapter sixty-seven of the resolves of the present year, the sum of fifteen thousand dollars.

Bradford
Durfee Textile
School of Fall
River.

For the Lowell textile school, as authorized by chapter sixty-eight of the resolves of the present year, the sum of twenty-nine thousand dollars.

Lowell textile
school.

For Harry Holley, as authorized by chapter seventy-three of the resolves of the present year, the sum of nine hundred and eighty dollars.

Harry Holley.

For the salary of the judge of the land court, as authorized by chapter four hundred and sixteen of the acts of the present year, the sum of seven hundred eighty-two dollars and twenty-seven cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Judge of the
land court.

For the salary of the associate judge of the land court, as authorized by chapter four hundred and sixteen of the acts of the present year, the sum of seven hundred eighty-two dollars and twenty-seven cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Associate
judge of the
land court.

For the salaries of the railroad commissioners, as authorized by chapter four hundred and seventeen of the acts of the present year, the sum of twelve hundred and fifty dollars, to be paid out of the Railroad Commissioners'

Railroad com-
missioners.

Fund, the same to be in addition to any amount heretofore appropriated for the same purpose.

Clerk.

For the salary of the clerk of the railroad commissioners, as authorized by chapter four hundred and seventeen of the acts of the present year, the sum of two hundred eight dollars and thirty-four cents, to be paid out of the Railroad Commissioners' Fund, the same to be in addition to any amount heretofore appropriated for the same purpose.

Assistant clerk.

For the salary of the assistant clerk of the railroad commissioners, as authorized by chapter four hundred and seventeen of the acts of the present year, the sum of two hundred and fifty dollars, to be paid out of the Railroad Commissioners' Fund, the same to be in addition to any amount heretofore appropriated for the same purpose.

Advertising regulations for transportation of explosives.

For advertising regulations for the transportation of explosives by the railroad commissioners, as provided for by section ninety-nine of chapter one hundred and two of the Revised Laws, the sum of eight hundred twenty-nine dollars and ninety-five cents, to be paid out of the Railroad Commissioners' Fund.

Investigation, etc., as to scallops and lobsters.

To provide for an investigation and report by the commissioners on fisheries and game as to scallops and lobsters, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

State colony for the insane.

To provide for certain improvements at the state colony for the insane, as authorized by chapter seventy-five of the resolves of the present year, a sum not exceeding fourteen thousand two hundred and fifty dollars.

Probationers from the state industrial school, etc.

For expenses in connection with the care of probationers from the state industrial school, to include boarding out and other expenses of girls on probation, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Expenses of committees.

For authorized expenses of the committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Secretary of state board of health.

For the salary of the secretary of the state board of health, as authorized by chapter four hundred and twenty-five of the acts of the present year, the sum of five hundred sixteen dollars and fourteen cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

For Patience Fidelia Clinton, as authorized by chapter seventy-six of the resolves of the present year, the sum of one hundred dollars, the same to be in addition to any amount heretofore authorized for the same purpose.

Patience
Fidelia
Clinton.

For certain improvements at the state industrial school for girls, as authorized by chapter seventy-seven of the resolves of the present year, a sum not exceeding eighty-seven hundred dollars.

State industrial
school for
girls.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

AN ACT TO AUTHORIZE CITIES TO PENSION CALL FIREMEN OR
SUBSTITUTE CALL FIREMEN.

Chap. 476

Be it enacted, etc., as follows:

SECTION 1. Section eighty-one of chapter thirty-two of the Revised Laws is hereby amended by inserting after the word "fireman", in the tenth line, the words: — call fireman or substitute call fireman, — so as to read as follows: — *Section 81.* If a petition, signed by not less than two hundred registered voters of a city and requesting that the question of the acceptance of the provisions of this section be submitted to the voters of such city at the next annual or special city election, is filed with the city clerk not less than thirty days before said election, said question shall be so submitted, and if it is accepted, the city council of such city may thereafter, under such restrictions and subject to such provisions as it may by vote or ordinance prescribe, pension any fireman, who, by reason of permanent disability incurred while in the performance of his duty as fireman, call fireman or substitute call fireman, is no longer able to perform active service as a fireman.

R. L. 32, § 81,
amended.

Acceptance of
certain pro-
visions relative
to pensioning
firemen, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

AN ACT TO PROVIDE FOR THE PROTECTION OF SHELLFISH IN
THE TOWN OF DARTMOUTH.

Chap. 477

Be it enacted, etc., as follows:

SECTION 1. No person shall take any shellfish from their beds or wilfully obstruct the growth of any shellfish within the town of Dartmouth, except as is hereinafter provided.

Taking of
shellfish in
Dartmouth
regulated.

Permits may
be given, etc.

SECTION 2. The selectmen of said town may give permits in writing to any person to take shellfish from their beds within said town at such times, in such quantities, for such uses and by such methods as they shall deem expedient. They shall grant such permits to any inhabitant of the town to take from the beds in said town shellfish for the use of himself and his family not exceeding in quantity one half bushel including shells in any one day. They shall grant such permits to any fisherman to take shellfish from said beds for bait for his own use not exceeding in quantity one bushel including shells in any one day. Such permits shall be signed by the selectmen, shall be recorded in a book kept for the purpose and shall remain in force for one year from their date.

Permit to be
exhibited, etc.

SECTION 3. Every person taking shellfish from their beds within said town under the provisions of this act shall at the time of such taking have with him the permit granted to him as above provided and shall exhibit it upon demand to any constable of the town or other officer charged with the duty of enforcing the provisions of this act.

Limit of size
of certain
fish taken.

SECTION 4. No person shall take from their beds in said town or sell or offer for sale or have in his possession any little neck clams or quahaugs measuring less than one and one half inches across the widest part.

SECTION 5. Whoever violates any provision of this act shall be punished by a fine of not less than ten or more than one hundred dollars.

Jurisdiction
of court.

SECTION 6. The third district court of Bristol shall have concurrent jurisdiction with the superior court of all offences under this act.

Certain pro-
visions of law
not to apply.

SECTION 7. So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the town of Dartmouth.

Approved June 14, 1906.

Chap. 478 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO REPAY TO MAURICE MEADE CERTAIN TAXES ERRONEOUSLY COLLECTED.

Be it enacted, etc., as follows:

The town of
Stoneham to
repay a
certain tax.

SECTION 1. The selectmen of the town of Stoneham are hereby authorized to pay from the treasury of the town to Maurice Meade the sum of fifty-one dollars and fifty-one cents, being the amount of taxes erroneously paid to

the town by him in the years eighteen hundred and ninety-five to nineteen hundred and four, inclusive.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

AN ACT RELATIVE TO THE TRANSPORTATION OF PUPILS OF
PRIVATE SCHOOLS BY STREET AND ELEVATED RAILWAY COM-
PANIES. Chap.479

Be it enacted, etc., as follows:

Section seventy-two of chapter one hundred and twelve of the Revised Laws is hereby amended by inserting the words "or private", at the end of the second line, so as to read as follows:— *Section 72.* The rates of fare charged by street or elevated railway companies for the transportation of pupils of the public or private schools between a given point, from or to which it is necessary for them to ride in travelling to or from the school houses in which they attend school and their homes, whether such school houses are located in the city or town in which the pupils reside or in another city or town, shall not exceed one half the regular fare charged by such street or elevated railway company for the transportation of other passengers between said points, and tickets for the transportation of pupils as aforesaid, good during the days when said schools are in sessions, shall be sold by said companies in lots of ten each. A railway company which violates the provisions of this section shall forfeit twenty-five dollars for each offence. *Approved June 14, 1906.*

R. L. 112, § 72,
amended.

Special rates
of fare for
pupils, etc.

AN ACT TO ESTABLISH THE SALARY OF THE CHIEF OF THE
DISTRICT POLICE. Chap.480

Be it enacted, etc., as follows:

SECTION 1. The chief of the district police shall receive an annual salary of three thousand dollars.

Salary of
chief of the
district police.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

AN ACT TO PROVIDE THAT CERTAIN VETERAN SOLDIERS AND
SAILORS MAY VOTE WITHOUT BEING ASSESSED FOR A POLL
TAX. Chap.481

Be it enacted, etc., as follows:

SECTION 1. Soldiers and sailors who are exempt from the assessment of a poll tax under the provisions of chapter

Certain
soldiers and
sailors to have

the right to
vote if not
assessed a
poll tax.

three hundred and fifteen of the acts of the year nineteen hundred and six shall have the same right to register and to vote as if they were assessed for a poll tax, and the assessors for this purpose shall return the names of such soldiers and sailors in the same manner as they do the names of persons so assessed.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

Chap. 482 AN ACT TO AUTHORIZE THE SHOOTING OF MALE MONGOLIAN, ENGLISH AND GOLDEN PHEASANTS DURING THE OPEN SEASON FOR QUAIL.

Be it enacted, etc., as follows:

Open season
for certain
game birds.

SECTION 1. Any person may shoot any male Mongolian, English or golden pheasants during the open season for quail.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

Chap. 483 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HARVARD AND LITTLETON.

Be it enacted, etc., as follows:

Boundary
line between
Harvard and
Littleton
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Harvard and Littleton: — Beginning at the corner of Ayer, Harvard and Littleton, at a granite monument in latitude forty-two degrees, thirty-two minutes, thirty-five and eleven hundredths seconds, and longitude seventy-one degrees, thirty-two minutes, twenty-one and thirty-seven hundredths seconds; thence south thirteen degrees, thirty-five minutes east, eighty-five hundred and two feet to a stone monument in the present boundary line; thence south sixty-five degrees, forty-three minutes east, four hundred and fifty-four feet to a point in the present boundary line between Boxborough and Littleton, in latitude forty-two degrees, thirty-one minutes, eleven and sixty-three hundredths seconds, and longitude seventy-one degrees, thirty-one minutes, forty-nine and nineteen hundredths seconds, and two hundred feet south, sixty-four degrees, thirty-seven minutes east from the granite monument on the easterly side of the road about three hundred feet southwest of the house of Michael McNiff, which point is the

new corner of the towns of Boxborough, Harvard and Littleton.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF BOXBOROUGH AND HARVARD. *Chap. 484*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Boxborough and Harvard:—Beginning at the corner of the towns of Boxborough, Harvard and Stow at a granite monument, in latitude forty-two degrees, twenty-seven minutes, fifty-nine and forty-three hundredths seconds, and longitude seventy-one degrees, thirty-two minutes, thirty-seven and ninety-eight hundredths seconds; thence north fifty-seven degrees, fifty-one minutes west, fifty-four hundred and eight feet to a granite monument in the present boundary line at the junction of the Boxborough and Stow roads; thence north twenty-five degrees, fifty minutes east, fifteen thousand seven hundred and eighty-five feet to a point in the present boundary line forty-eight feet south, twenty-five degrees, fifty-one minutes west from the granite monument in the present boundary line standing on the southeasterly side of the road about two hundred and eighty feet southwest of the house of W. H. Brown; thence north fifty degrees, nine minutes east, seven hundred and fifty feet to a point near an angle in the easterly side of said road; thence north twenty-two degrees, eighteen minutes east, two thousand and forty-five feet to a point in the present boundary line between the towns of Boxborough and Littleton, in latitude forty-two degrees, thirty-one minutes, eleven and sixty-three hundredths seconds, and longitude seventy-one degrees, thirty-one minutes, forty-nine and nineteen hundredths seconds, and two hundred feet south, sixty-four degrees, thirty-seven minutes east from the granite monument on the westerly side of said road about three hundred feet southwest of the house of Michael McNiff, which point is the new corner of the towns of Boxborough, Harvard and Littleton.

Boundary
line between
Boxborough
and Harvard
established.

SECTION 2. This act shall take effect upon its passage.

Approved June 14, 1906.

Chap. 485 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

New buildings
at hospital for
epileptics.

SECTION 1. The trustees of the Massachusetts hospital for epileptics are hereby authorized to expend a sum not exceeding eighty thousand dollars in constructing, furnishing and equipping a building to accommodate one hundred women.

Hospital for
Epileptics
Loan.

SECTION 2. For the said purpose the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding eighty thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof, Hospital for Epileptics Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, as shall be deemed best, but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of such bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on the bonds shall be raised by taxation from year to year.

Sinking fund.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1906.

AN ACT TO PROVIDE FOR REIMBURSING THE METROPOLITAN PARKS LOAN FOR AMOUNTS EXPENDED THEREFROM FOR THE SUPPRESSION OF THE GYPSY AND BROWN TAIL MOTHS. *Chap.486*

Be it enacted, etc., as follows:

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, and shall be assessed by the treasurer and receiver general on the cities and towns comprising the metropolitan parks district, to be paid on or before November fifteenth, nineteen hundred and six, and upon the receipt of said amount he shall place the same to the credit of the Metropolitan Parks Loan, to reimburse said fund for expenditures of nineteen hundred and five for the suppression of the gypsy and brown tail moths.

Reimbursement to Metropolitan Parks Loan.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1906.

AN ACT RELATIVE TO THE DISPOSAL OF UNPAID CHECKS OF THE TREASURER AND RECEIVER GENERAL. *Chap.487*

Be it enacted, etc., as follows:

SECTION 1. All checks hereafter given by the treasurer and receiver general and not paid within one year after issue shall be payable only at the office of the said treasurer and receiver general.

Certain checks of the treasurer and receiver general, where payable.

SECTION 2. Section fifty-nine of chapter six of the Revised Laws is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage

Approved June 15, 1906.

AN ACT TO AUTHORIZE THE ITALIAN CHAMBER OF COMMERCE OF BOSTON AND THE BOSTON ITALIAN CHAMBER OF COMMERCE TO UNITE. *Chap.488*

Be it enacted, etc., as follows:

SECTION 1. The Italian Chamber of Commerce of Boston and the Boston Italian Chamber of Commerce, each a corporation duly established under the laws of this Commonwealth, are hereby authorized to unite and form one corporation, under the name of the Italian Chamber of Commerce of Boston and New England, upon such terms as may be agreed upon between said Italian Chamber of Commerce of Boston and the Boston Italian Chamber of Commerce. Said new corporation, when formed, shall

The Italian Chamber of Commerce of Boston and the Boston Italian Chamber of Commerce may unite.

have all the rights, powers, franchises and privileges now held by, and be subject to all the liabilities, restrictions and duties now imposed upon either of said existing corporations. Each of said corporations is hereby authorized and empowered to assign, transfer and convey to said new corporation all its rights, privileges, interests, estates and property; and said new corporation is authorized to receive, accept and hold the same, and shall thereupon become and be liable for all the debts or liabilities of either of said corporations.

Existing obligations not impaired.

SECTION 2. This act shall not in any way impair any obligation under which either of said existing corporations may be to any member thereof; but said new corporation, when formed as aforesaid, is authorized and empowered to assume, perform and discharge the same.

May hold real and personal estate.

SECTION 3. The said Italian Chamber of Commerce of Boston and New England is hereby authorized and empowered to hold real and personal estate to an amount not exceeding one hundred thousand dollars.

First meeting of new corporation.

SECTION 4. The first meeting of the corporation hereby authorized to be formed shall be called by the presidents of the two existing corporations by a notice setting forth the time and place of said meeting, and published in some newspaper in the city of Boston seven days before said meeting, and at such meeting all members holding a certificate of membership in either of said corporations shall be entitled to vote in like manner as they would have been if said corporations had met separately.

When to take effect.

SECTION 5. This act shall take effect upon its passage, but shall be void unless accepted within one year thereafter by each of said existing corporations at meetings called for that purpose.

Approved June 15, 1906.

Chap. 489

AN ACT TO ESTABLISH THE BOSTON JUVENILE COURT.

Be it enacted, etc., as follows:

Boston Juvenile Court established.

SECTION 1. A court is hereby established in the city of Boston, to be known as the Boston Juvenile Court.

Justices, etc., appointment, etc.

SECTION 2. Said court shall consist of one justice and two special justices, who shall be appointed by the governor, with the advice and consent of the council. There shall be a clerk of said court who shall also be appointed by the governor, with the advice and consent of the council, for a term of five years. In case of the absence, death or

Clerk, appointment, etc.

removal of the clerk, the court may appoint a clerk pro tempore, who shall act until the clerk resumes his duties, or until the vacancy is filled. The said court shall have a proper seal, and all processes issuing therefrom shall be under the seal of the court, shall be signed by the clerk, and shall bear the teste of the justice of the court, unless his office is vacant, in which case it shall bear the teste of a special justice of the court.

SECTION 3. The justice of the said court shall be paid a salary of three thousand dollars per annum. The special justices shall be paid for each day's actual service at the same rate as the rate by the day of the salary of the justice of the court; but compensation for services in excess of thirty days in any one calendar year shall be deducted by the county treasurer from the salary of the justice of the court. The clerk shall receive an annual salary of fifteen hundred dollars. The said salaries shall be paid by the county of Suffolk, in the same manner as the salaries of the justices, special justices and clerks of the municipal court, of said city are now paid. Suitable rooms for the sittings of the court and for the officers thereof shall be provided in the Suffolk county court house.

SECTION 4. All the jurisdiction, authority and powers vested in the municipal court of the city of Boston or the justices thereof, or which are conferred upon municipal courts by chapter four hundred and thirteen of the acts of the year nineteen hundred and six, which involve the trial, sentencing, commitment or other disposal of a child under the age of seventeen years, or the receiving of complaints and the issuing of summonses, warrants or other processes in relation thereto, or which relate to the care of neglected children, under chapter three hundred and thirty-four of the acts of the year nineteen hundred and three, and acts in amendment thereof or in addition thereto, are hereby transferred to, and vested in, the court hereby established, and in the justice and special justices thereof; and the said court shall have jurisdiction over such other matters as may come before it under this act. All the provisions of law which relate to police, district or municipal courts, to the justices, special justices and clerks thereof, or to the rights, duties and liabilities of parties to proceedings therein, shall, so far as they may be appropriate, apply to said court, its justice, special justices and clerk, and to the parties to proceedings therein, except as

herein otherwise provided. The court hereby established may continue from time to time the hearing in respect to any child given under the provisions of this act, and may commit such child to any institution to which a district or municipal court in the city of Boston is now, or may hereafter be, authorized to commit such child, or may impose any penalty which said courts are authorized to impose. The court may from time to time make general rules in reference to, and provide forms of, procedure.

Cases to be heard in chambers, etc.

SECTION 5. So far as possible the court shall hear all cases in chambers; and all persons, whose presence, in the opinion of the court, is not necessary, shall be excluded from the room.

Probation officers, appointment, etc.

SECTION 6. The justice of the court hereby established shall appoint two probation officers, each of whom shall hold office during the pleasure of the said justice, and shall have general authority to serve such process as may be directed to either of them by the court. The provisions of chapter two hundred and seventeen of the Revised Laws, and of all other statutes now or hereafter applicable to probation officers connected with courts in the city of Boston, shall, so far as they may be appropriate, apply to said probation officers, except as herein otherwise provided. The justice may also appoint as many deputy probation officers, without salary, as he may deem desirable. They shall assist probation officers in such ways as the court may direct in making investigations of cases of children against whom complaints have been made, and in the care of children who have been placed on probation.

Proceeding in order to avoid incarceration, etc.

SECTION 7. In case a warrant is issued by the court for a child's arrest, or in case a child between the ages of seven and seventeen years is arrested without a warrant, as provided by law, in order to avoid the incarceration of the child, if practicable, the officer to whom said warrant is delivered, or who has arrested the child without a warrant, as the case may be, may, unless the justice or magistrate of the court issuing such warrant has otherwise directed in the warrant, accept the written promise of the parent, guardian or person with whom it is stated that said child resides, or any other reputable person, to be responsible for the presence of said child in court at the time and place when the child is to appear, and at any other time to which the hearing in the case may be continued or adjourned by the court. Nothing herein con-

tained shall be construed to prevent the admitting of said child to bail, in accordance with sections twenty-nine and thirty of chapter two hundred and seventeen of the Revised Laws.

SECTION 8. It shall be the duty of the superintendent of the Boston public schools, and of any teacher therein, and of the person, society or corporation in charge of any private school, and of the teachers therein, to furnish to the said court from time to time any information and reports requested by the justice thereof relating to the attendance, conduct and standing of any pupil under his, her or its charge, if said pupil is at the time under the charge of the court hereby established.

Superintendent of schools to furnish information, etc.

SECTION 9. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 10. This act shall take effect upon its passage, so far as the appointing, commissioning and qualifying of the justice, special justices and clerk of the court hereby established are concerned; and it shall be in full force and effect, and the authority and jurisdiction of the court hereby established and of the probation officers thereof shall begin, on the first day of September in the year nineteen hundred and six, except that the municipal court of the city of Boston shall have power to dispose of all cases of juvenile offenders or neglected children which may be pending before it when this act takes full effect.

When to take effect.

Approved June 15, 1906.

AN ACT TO INCORPORATE THE WEST SUTTON CEMETERY ASSOCIATION.

Chap. 490

Be it enacted, etc., as follows:

SECTION 1. Such owners of lots in the cemetery known as the West Sutton cemetery, comprising lands owned and occupied by the West Sutton Cemetery and Tombs Corporation, situated in the town of Sutton, as may accept this act by registering their names in the office of the town clerk of Sutton, on or before the first day of May in the year nineteen hundred and six, and all persons now members of the West Sutton Cemetery Association, are hereby made a corporation by the name of the West Sutton Cemetery Association, and all property of the West Sutton Cemetery and Tombs Corporation and of the West Sutton Cemetery Association as now organized shall upon the

West Sutton Cemetery Association incorporated.

acceptance of this act become the property of the West Sutton Cemetery Association, as organized under this act.

Membership.

SECTION 2. Any person who at the time of such acceptance of this act owns a lot, or an interest in a lot, in said cemetery, individually or as trustee, shall be a member of said corporation so long as his interest therein continues, and any person who thereafter desires to become a member of said corporation shall submit his right or interest to the board of officers hereinafter named, and he shall be accepted by majority vote of those present and acting thereon. Any name on which any question of eligibility arises in said board may be presented at any annual meeting and a majority vote shall determine the question of membership. Every owner of a lot in said cemetery shall be by right thereof a member of this corporation.

May acquire land or other property for cemetery purposes.

SECTION 3. Said association may purchase land for the purposes of a cemetery, and may receive, hold and manage land, money or other property given or bequeathed to it in trust, or otherwise, for the care, improvement, enlargement or ornamentation of the cemetery. It may give deeds of burial lots, and, when property is given or bequeathed to it in trust for the perpetual care of a particular lot or tomb, it may contract with the owner or his representative, to carry out the terms of the trust, on such conditions as the parties may agree upon. Such funds as the association may receive by gift, by bequest, from the sale of lots, or from other sources, except so much as may be necessary to defray current expenses, shall be deposited forthwith in the Worcester County Institution for Savings, or in such other savings banks in the city of Worcester as the trustees of the association may select, in perpetuity; and the income only of the funds so deposited shall be expended for the care, preservation and improvement of the cemetery.

Owners, etc., not debarred from access, etc.

SECTION 4. No owner, relative or friend of any person buried in said cemetery shall be debarred access to the place of burial for the purpose of improving or beautifying it, or erecting thereon a monument, tomb or other token of affection or respect, provided such action is not in violation of the by-laws adopted by the association.

Officers, election, etc.

SECTION 5. The officers of the association shall consist of a president, vice president, secretary and treasurer, who shall be chosen annually by ballot, and three trustees, one of whom shall serve for one year, one for two years and one for three years, and thereafter one trustee shall be

elected each year for a term of three years, and this board of officers shall be the executive board of this association, and any four of them shall constitute a quorum for business. All deeds of lots or lands shall be signed by the president and treasurer of this association. In case of vacancy on said board of officers by death or resignation the vacancy shall be filled at the next annual meeting. All the above officers shall hold office until their successors are elected and qualified.

SECTION 6. The first meeting of this association shall be held on the first Saturday of August in the year nineteen hundred and six at the hall in West Sutton at two o'clock in the afternoon. At this meeting the officers of the association shall be chosen as prescribed in section five of this act, and at every annual meeting held thereafter those who held office during the preceding year shall make a full report of their doings, stating the amount of moneys received and disbursed, the number of lots sold, the quantity of land purchased, and all other information which they may be able to give pertaining to the affairs of the association.

First meeting
of association.

SECTION 7. The association is hereby empowered to make such by-laws as a majority of its members present and voting at any annual meeting may adopt, prescribing the duties of the several officers and making rules to carry out the purposes herein set forth, but no act, by-law or vote under any by-law of this association shall be valid to change the condition of investment of the trust funds held for perpetual care or other designated purposes, as provided in section three of this act.

By-laws, etc.

SECTION 8. The secretary shall give notice of meetings by causing the time and place of said meetings to be printed three times in some daily paper printed in Worcester, the last notice to be at least eight days before the time of holding said meeting, and also by notice posted near the entrance gate to said cemetery. Special meetings may be called by the president or chairman of trustees on the written petition of ten members. Seven members shall constitute a quorum for the transaction of business.

Notice of
meetings, etc.

SECTION 9. All acts performed in good faith by the officers of the West Sutton Cemetery and the West Sutton Cemetery and Tombs Corporation and the West Sutton Cemetery Association are hereby confirmed and made valid.

Certain acts
confirmed.

Repeal.

SECTION 10. The act of incorporation of the West Sutton Cemetery Association approved May 23, 1899, is hereby repealed.

SECTION 11. This act shall take effect upon its passage.

Approved June 15, 1906.

Chap. 491 AN ACT TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO MAKE ADDITIONAL RIPRAPING ON THE WESTERLY BANK OF THE CONNECTICUT RIVER IN THE TOWN OF AGAWAM.

Be it enacted, etc., as follows:

Extension of
riprap work
on westerly
side of the Con-
necticut river
in Agawam.

SECTION 1. The board of harbor and land commissioners is hereby authorized and instructed to expend a sum not exceeding thirty-five hundred dollars for the extension of the present riprap work on the westerly or Agawam side of the Connecticut river from a point above "Calla Shasta", (so-called), where the present ripraping ends, to a point about forty rods below said Calla Shasta.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1906.

Chap. 492 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF BOXBOROUGH AND LITTLETON.

Be it enacted, etc., as follows:

Boundary line
between Box-
borough and
Littleton estab-
lished.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Boxborough and Littleton:—Beginning at the corner of Acton, Boxborough and Littleton, at a granite monument, in latitude forty-two degrees, thirty minutes and eighty-four hundredths seconds, and longitude seventy-one degrees, twenty-eight minutes, twenty-six and forty-seven hundredths seconds; thence north sixty-five degrees, nine minutes west, seventy-eight hundred and eighty-three feet to a granite monument in the present boundary line; thence south forty degrees, twenty-three minutes west, eleven hundred and forty-seven feet to a granite monument in the present boundary line; thence north fifty-eight degrees, fifty-five minutes west, twenty-two hundred and fifty-eight feet to a granite monument in the present boundary line at Liberty Square road; thence south fifty-one degrees, forty minutes west, five hundred and thirty-

eight feet to a granite monument in the present boundary line near Middle street; thence north forty-five degrees, thirty-seven minutes west, twelve hundred and thirty-five feet to a granite monument in the present boundary line; thence north twenty-eight degrees, twenty-one minutes west, sixteen hundred and ninety-five feet to a granite monument in the present boundary line; thence north sixty-four degrees, thirty-seven minutes west, thirty-five hundred and ninety-one feet to a point in the present boundary line in latitude forty-two degrees, thirty-one minutes, eleven and sixty-three hundredths seconds, and longitude seventy-one degrees, thirty-one minutes, forty-nine and nineteen hundredths seconds and two hundred feet south sixty-four degrees, thirty-seven minutes east from the granite monument on the easterly side of the road about three hundred feet southwest of the house of Michael McNiff, which point is the new corner of the towns of Boxborough, Harvard and Littleton.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1906.

AN ACT RELATIVE TO THE EXEMPTION FROM TAXATION OF Chap.493
BONDS AND CERTIFICATES OF INDEBTEDNESS ISSUED BY THE
COMMONWEALTH OF MASSACHUSETTS.

Be it enacted, etc., as follows:

SECTION 1. Bonds or certificates of indebtedness of the Commonwealth issued since the first day of January in the year nineteen hundred and six, or which may hereafter be issued, shall be exempt from taxation for state, county, city or town purposes. Such bonds or certificates of indebtedness shall state on their face that they are exempt from taxation in Massachusetts.

Certain bonds of the Commonwealth exempt from taxation, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1906.

AN ACT RELATIVE TO DISTRICT ATTORNEYS. Chap.494

Be it enacted, etc., as follows:

SECTION 1. Any district attorney may, in the name of the county, contract such bills for stationery, for experts, for travel beyond the boundary line of the Commonwealth by witnesses required by the Commonwealth in the prosecution of cases, for necessary expenses incurred

Certain expenses of district attorneys to be paid by the county for the benefit of which the expense was contracted, etc.

by officers under their direction in going outside of the boundary line of the Commonwealth for the purpose of searching for or bringing back for trial persons under indictment in said county, and for such other incidental expenses as may in the opinion of such district attorney be necessary for the proper conduct of his office in the investigation of or preparation and trial of criminal causes; and all such bills shall be paid by the treasurer of the county for the benefit of which such bills were contracted, upon a certificate by the district attorney that they were necessarily incurred in the proper performance of his duty, and upon the approval of the county auditor in the case of bills incurred by the district attorney for the county of Suffolk, and by the county commissioners in counties other than Suffolk.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved June 16, 1906.

Chap. 495 AN ACT TO PROVIDE FOR THE EXPENSES AND COMPENSATION OF THE COMMISSIONERS APPOINTED TO APPORTION THE COST OF THE BRIDGE OVER WEYMOUTH FORE RIVER.

Be it enacted, etc., as follows:

Compensation, etc., of commissioners to apportion cost of construction of bridge over Weymouth Fore river.

SECTION 1. The county commissioners of Norfolk county are authorized to pay the compensation and expenses of the commissioners appointed under chapter four hundred and fifty-six of the acts of the year nineteen hundred to an amount not exceeding five thousand dollars in addition to such sums of money as they have already received, to be approved hereafter by a justice of the superior court after public notice and a public hearing, and to charge the same to the expense of the construction of a bridge provided for by said act, although said amount shall make the total cost of said bridge more than the sum originally authorized in said act; and said amount so approved and paid shall be apportioned in the manner provided in the original act.

SECTION 2. This act shall take effect upon its passage.

Approved June 16, 1906.

AN ACT TO PROVIDE FOR BUILDING JETTIES, BREAKWATERS, SEA WALLS OR OTHER STRUCTURES IN THE TOWN OF SCITUATE. *Chap. 496*

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to build a granite wall along the highway known as Beach street where it borders upon the sea in the town of Scituate, at an expense not exceeding four thousand dollars; a concrete wall in extension of the present wall near Surfside road, at an expense not exceeding three thousand dollars; a concrete wall between the first and second cliffs, at an expense not exceeding thirty-eight hundred dollars, and a jetty, sea wall or breakwater at the southerly end of the third cliff, at an expense not exceeding five thousand dollars. Said board is authorized to expend for the purposes above named a sum not exceeding fifteen thousand eight hundred dollars. Any sum now remaining unexpended from the amount authorized by chapter four hundred and thirty-four of the acts of the year nineteen hundred may be used for the purposes of this act.

A granite wall to be built on Beach street in Scituate, etc.

SECTION 2. Said board may acquire by purchase, or otherwise, in the name and behalf of the Commonwealth any land or materials necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this act, shall be the same as is specified in sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall, for the purposes of this act, have the same powers which are conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

Land, etc., may be acquired.

SECTION 3. No contract made under authority of this act shall be valid until approved in writing by the governor and council.

Contract to be approved, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 16, 1906.

Chap.497 AN ACT TO DIVIDE THE COMMONWEALTH INTO DISTRICTS FOR THE CHOICE OF SENATORS AND COUNCILLORS, AND TO APPORTION REPRESENTATIVES TO THE SEVERAL COUNTIES.

Be it enacted, etc., as follows:

SENATORIAL DISTRICTS.

Senatorial districts.

SECTION 1. For the purpose of choosing senators until the next decennial apportionment, the Commonwealth is hereby divided, agreeably to the provisions of the constitution, into forty districts, as hereinafter specified.

Cape.

SECTION 2. The towns in the counties of Barnstable, Dukes County and Nantucket shall constitute a district, to be known as the Cape District.

SECTION 3. The county of Bristol is divided into three districts, as follows: —

First Bristol.

The city of Taunton and the towns of Attleborough, Berkley, Dighton, Easton, Mansfield, North Attleborough, Norton, Raynham, Rehoboth and Seekonk shall constitute a district, to be known as the First Bristol District.

Second Bristol.

The city of Fall River and the towns of Somerset and Swansea shall constitute a district, to be known as the Second Bristol District.

Third Bristol.

The city of New Bedford and the towns of Acushnet, Dartmouth, Fairhaven, Freetown and Westport shall constitute a district, to be known as the Third Bristol District.

SECTION 4. The county of Plymouth, together with the town of Cohasset in the county of Norfolk, is divided into two districts, as follows: —

First Plymouth.

The towns of Abington, Carver, Duxbury, East Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, Whitman and Cohasset shall constitute a district, to be known as the First Plymouth District.

Second Plymouth.

The city of Brockton and the towns of Bridgewater, Lakeville, Marion, Mattapoisett, Middleborough, Rochester, Wareham and West Bridgewater shall constitute a district, to be known as the Second Plymouth District.

SECTION 5. The county of Norfolk, exclusive of the town of Cohasset, is divided into two districts, as follows: —

First Norfolk.

The city of Quincy and the towns of Braintree, Canton,

Holbrook, Hyde Park, Milton, Randolph and Weymouth shall constitute a district, to be known as the First Norfolk District.

The towns of Avon, Bellingham, Brookline, Dedham, Dover, Foxborough, Franklin, Medfield, Medway, Millis, Needham, Norfolk, Norwood, Plainville, Sharon, Stoughton, Walpole, Wellesley, Westwood and Wrentham shall constitute a district, to be known as the Second Norfolk District.

SECTION 6. The county of Suffolk, together with the wards numbered one, two, three and four in the city of Cambridge, in the county of Middlesex, is divided into nine districts, as follows:—

The city of Chelsea, the towns of Revere and Winthrop and the ward numbered one in the city of Boston, shall constitute a district, to be known as the first Suffolk District.

The wards numbered two, three, four and five in the city of Boston and the wards numbered one, two and three in the city of Cambridge, shall constitute a district, to be known as the Second Suffolk District.

The wards numbered six, seven and eight in the city of Boston and the ward numbered four in the city of Cambridge, shall constitute a district, to be known as the Third Suffolk District.

The wards numbered nine, twelve and seventeen in the city of Boston shall constitute a district, to be known as the Fourth Suffolk District.

The wards numbered ten, eleven and twenty-five in the city of Boston shall constitute a district, to be known as the Fifth Suffolk District.

The wards numbered thirteen, fourteen, fifteen and sixteen in the city of Boston shall constitute a district, to be known as the Sixth Suffolk District.

The wards numbered eighteen, nineteen and twenty-two in the city of Boston shall constitute a district, to be known as the Seventh Suffolk District.

The wards numbered twenty and twenty-one in the city of Boston shall constitute a district, to be known as the Eighth Suffolk District.

The wards numbered twenty-three and twenty-four in the city of Boston shall constitute a district, to be known as the Ninth Suffolk District.

SECTION 7. The county of Essex, exclusive of the ward

numbered six in the city of Lynn and the towns of Lynnfield and Saugus, is divided into five districts, as follows: —

First Essex. The wards numbered one, two, three, four, five and seven in the city of Lynn, and the towns of Nahant and Swampscott shall constitute a district, to be known as the First Essex District.

Second Essex. The cities of Beverly and Salem and the towns of Danvers and Marblehead shall constitute a district, to be known as the Second Essex District.

Third Essex. The cities of Gloucester and Newburyport and the towns of Essex, Hamilton, Ipswich, Manchester, Newbury, Rockport, Rowley, Salisbury, Topsfield, Wenham and West Newbury shall constitute a district, to be known as the Third Essex District.

Fourth Essex. The city of Haverhill and the towns of Amesbury, Boxford, Georgetown, Groveland, Merrimac, Middleton and Peabody shall constitute a district, to be known as the Fourth Essex District.

Fifth Essex. The city of Lawrence and the towns of Andover, North Andover and Methuen shall constitute a district, to be known as the Fifth Essex District.

SECTION 8. The county of Middlesex, together with the ward numbered six in the city of Lynn and the towns of Saugus and Lynnfield in the county of Essex, and exclusive of the wards numbered one, two, three and four in the city of Cambridge in the county of Middlesex, is divided into eight districts, as follows: —

First Middlesex. The city of Newton and the towns of Ashland, Framingham, Holliston, Hopkinton, Natick, Sherborn, Watertown and Weston shall constitute a district, to be known as the First Middlesex District.

Second Middlesex. The wards numbered five, six, seven, eight, nine, ten and eleven in the city of Cambridge shall constitute a district, to be known as the Second Middlesex District.

Third Middlesex. The city of Somerville shall constitute a district, to be known as the Third Middlesex District.

Fourth Middlesex. The cities of Everett, Malden and Melrose shall constitute a district, to be known as the Fourth Middlesex District.

Fifth Middlesex. The cities of Marlborough and Waltham and the towns of Belmont, Concord, Hudson, Lexington, Lincoln, Maynard, Stow, Sudbury and Wayland shall constitute a district, to be known as the Fifth Middlesex District.

The cities of Medford and Woburn and the towns of Arlington, Stoneham, Wakefield and Winchester shall constitute a district, to be known as the Sixth Middlesex District. Sixth
Middlesex.

The wards numbered five and nine in the city of Lowell and the towns of Acton, Ayer, Bedford, Billerica, Boxborough, Burlington, Carlisle, Littleton, North Reading, Reading, Tewksbury, Westford and Wilmington in the county of Middlesex, and ward six in the city of Lynn, and the towns of Lynnfield and Saugus in the county of Essex, shall constitute a district, to be known as the Seventh Middlesex District. Seventh
Middlesex.

The wards numbered one, two, three, four, six, seven and eight in the city of Lowell and the towns of Ashby, Chelmsford, Dracut, Dunstable, Groton, Pepperell, Shirley, Townsend and Tyngsborough shall constitute a district, to be known as the Eighth Middlesex District. Eighth
Middlesex.

SECTION 9. The county of Worcester, and the towns of Brimfield, Hampden, Holland, Ludlow, Monson, Palmer, Wales and Wilbraham in the county of Hampden, are divided into five districts, as follows: —

The wards numbered four, five, six, seven, eight, nine and ten in the city of Worcester shall constitute a district, to be known as the First Worcester District. First
Worcester.

The wards numbered one, two and three in the city of Worcester and the towns of Berlin, Bolton, Boylston, Clinton, Harvard, Holden, Lancaster, Sterling and West Boylston shall constitute a district, to be known as the Second Worcester District. Second
Worcester.

The city of Fitchburg and the towns of Ashburnham, Athol, Gardner, Leominster, Lunenburg, Royalston, Westminster and Winchendon shall constitute a district, to be known as the Third Worcester District. Third
Worcester.

The towns of Auburn, Blackstone, Douglas, Grafton, Hopedale, Mendon, Milford, Millbury, Northborough, Northbridge, Oxford, Shrewsbury, Southborough, Sutton, Upton, Uxbridge, Webster and Westborough shall constitute a district, to be known as the Fourth Worcester District. Fourth
Worcester.

The towns of Barre, Brookfield, Charlton, Dana, Dudley, Hardwick, Hubbardston, Leicester, New Braintree, North Brookfield, Oakham, Paxton, Petersham, Phillipston, Princeton, Rutland, Southbridge, Spencer, Sturbridge, Templeton, Warren and West Brookfield in the county of Worcester and Hampden. Worcester and
Hampden.

Worcester, and the towns of Brimfield, Hampden, Holland, Ludlow, Monson, Palmer, Wales and Wilbraham in the county of Hampden, shall constitute a district, to be known as the Worcester and Hampden District.

SECTION 10. The counties of Berkshire, Franklin, Hampden and Hampshire, exclusive of the towns of Brimfield, Hampden, Holland, Ludlow, Monson, Palmer, Wales and Wilbraham in the county of Hampden, are divided into five districts, as follows: —

Berkshire.

The cities of North Adams and Pittsfield and the towns of Adams, Cheshire, Clarksburg, Dalton, Florida, Hancock, Hinsdale, Lanesborough, New Ashford, Peru, Savoy, Williamstown and Windsor in the county of Berkshire shall constitute a district, to be known as the Berkshire District.

Berkshire,
Hampshire
and Hampden.

The towns of Alford, Becket, Egremont, Great Barrington, Lee, Lenox, Monterey, Mount Washington, New Marlborough, Otis, Richmond, Sandisfield, Sheffield, Stockbridge, Tyringham, Washington and West Stockbridge in Berkshire county; the city of Northampton and the towns of Chesterfield, Cummington, Easthampton, Goshen, Hatfield, Huntington, Middlefield, Plainfield, Southampton, Westhampton, Williamsburg and Worthington in Hampshire county, and the towns of Agawam, Blandford, Chester, East Longmeadow, Granville, Longmeadow, Montgomery, Russell, Southwick and Tolland in Hampden county, shall constitute a district, to be known as the Berkshire, Hampshire and Hampden District.

Franklin and
Hampshire.

The towns in the county of Franklin, and the towns of Amherst, Belchertown, Enfield, Granby, Greenwich, Hadley, Pelham, Prescott, South Hadley and Ware in the county of Hampshire, shall constitute a district, to be known as the Franklin and Hampshire District.

First
Hampden.

The city of Springfield in the county of Hampden shall constitute a district, to be known as the First Hampden District.

Second
Hampden.

The cities of Chicopee and Holyoke and the towns of Westfield and West Springfield in the county of Hampden shall constitute a district, to be known as the Second Hampden District.

Elections dur-
ing present
political year.

SECTION 11. In case a new election is ordered during the present political year to fill any vacancy in the senate, such election shall be held in the district which elected the senator whose place is vacant, as the same existed prior to the passage of this act.

COUNCILLOR DISTRICTS.

SECTION 12. For the purpose of choosing councillors until the next decennial apportionment, the Commonwealth is hereby divided, agreeably to the provisions of the constitution, into eight districts, as hereinafter specified. Councillor districts.

SECTION 13. The Cape, the first and second Plymouth and the second and third Bristol senatorial districts shall constitute a district, to be known as the First Councillor District. First.

SECTION 14. The first Bristol, first and second Norfolk and the eighth and ninth Suffolk senatorial districts shall constitute a district, to be known as the Second Councillor District. Second.

SECTION 15. The second, third, fourth, sixth and seventh Suffolk senatorial districts shall constitute a district, to be known as the Third Councillor District. Third.

SECTION 16. The first and fifth Suffolk and the second, third and fourth Middlesex senatorial districts shall constitute a district, to be known as the Fourth Councillor District. Fourth.

SECTION 17. The first, second, third, fourth and fifth Essex senatorial districts shall constitute a district, to be known as the Fifth Councillor District. Fifth.

SECTION 18. The first, fifth, sixth, seventh and eighth Middlesex senatorial districts shall constitute a district, to be known as the Sixth Councillor District. Sixth.

SECTION 19. The first, second, third and fourth Worcester and the Worcester and Hampden senatorial districts shall constitute a district, to be known as the Seventh Councillor District. Seventh.

SECTION 20. The Berkshire, Berkshire, Hampshire and Hampden, Franklin and Hampshire and the first and second Hampden senatorial districts shall constitute a district, to be known as the Eighth Councillor District. Eighth.

SECTION 21. In case a new election is ordered during the present political year to fill any vacancy in the council, such election shall be held in the district which elected the councillor whose place is so vacant, as the same existed prior to the passage of this act. Elections during present political year.

APPORTIONMENT OF REPRESENTATIVES.

Apportionment of representatives to the several counties.

SECTION 22. The two hundred and forty members of the house of representatives are hereby apportioned to the several counties, agreeably to the provisions of the constitution, until the next decennial apportionment, as follows: — To the county of Barnstable, three representatives; to the county of Berkshire, eight representatives; to the county of Bristol, eighteen representatives; to the county of Dukes County, one representative; to the county of Essex, thirty-two representatives; to the county of Franklin, four representatives; to the county of Hampden, fourteen representatives; to the county of Hampshire, four representatives; to the county of Middlesex, forty-eight representatives; to the county of Nantucket, one representative; to the county of Norfolk (excluding therefrom the town of Cohasset), thirteen representatives; to the county of Plymouth (including, in addition, the town of Cohasset), twelve representatives; to the county of Suffolk, fifty-four representatives; to the county of Worcester, twenty-eight representatives.

Elections during present political year.

SECTION 23. In case a new election is ordered during the present political year to fill any vacancy in the house of representatives, such election shall be held in the district which elected the representative whose place is so vacant, as the same existed prior to the passage of this act.

SECTION 24. This act shall take effect upon its passage.

Approved June 18, 1906.

Chap. 498 AN ACT TO MAKE EFFECTIVE THE AWARD OF THE COMMITTEE APPOINTED BY THE GOVERNOR TO DETERMINE THE DAMAGES CAUSED TO THE TOWN OF CLINTON BY THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

A certain sum to be paid to the town of Clinton on account of construction of the metropolitan water system.

SECTION 1. The treasurer of the Commonwealth shall pay to the town of Clinton as a part of the expense of the metropolitan water system, the sum of sixty-four thousand nine hundred and eighty-eight dollars on or before the fifteenth day of November in the year nineteen hundred and six.

Taxation.

SECTION 2. All property held by the metropolitan water and sewerage board, or its successors, in the town of Clinton, outside of the dam and dike, used in the genera-

tion or sale of electricity for power or for manufacturing purposes, shall be subject to taxation. The provisions for the assessment and collection of taxes contained in chapters twelve and thirteen of the Revised Laws shall apply to such property.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved June 18, 1906.

AN ACT RELATIVE TO THE ILLEGAL EMPLOYMENT OF MINORS Chap. 499
AND TO THE DUTIES OF TRUANT OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. Whoever employs a minor under the age of sixteen years, and whoever procures or, having under his control a minor under such age, permits such minor to be employed in violation of the provisions of sections twenty-eight or twenty-nine of chapter one hundred and six of the Revised Laws, as amended by chapter two hundred and sixty-seven of the acts of the year nineteen hundred and five, shall for each offence be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections as so amended, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months. Employment of minors, etc.

SECTION 2. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments within their respective districts, and ascertain whether any minors are employed therein contrary to the provisions of chapter one hundred and six of the Revised Laws and amendments thereof or additions thereto, or contrary to the provisions of this act, and shall enter complaint against whomever is found to have violated any of said provisions. Any inspector of factories and public buildings who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars. Duties of inspectors of factories, etc.

Duties of
truant officers,
etc.

SECTION 3. A truant officer may apprehend and take to school, without a warrant, any minor under the age of sixteen years who is employed in any factory, workshop or mercantile establishment in violation of the provisions of sections twenty-eight or twenty-nine of chapter one hundred and six of the Revised Laws, and of any amendments thereof or additions thereto, and such truant officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. Any truant officer who knowingly and wilfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offence.

Age and
schooling cer-
tificates to be
produced, etc.

SECTION 4. Inspectors of factories and public buildings, and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof, who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

Jurisdiction of
courts.

SECTION 5. Police, district and municipal courts and trial justices shall have jurisdiction of offences arising under the provisions of this act. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

Repeal.

SECTION 6. Section thirty-three of chapter one hundred and six of the Revised Laws, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved June 20, 1906.

AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT
CERTAIN STATE INSTITUTIONS. *Chap. 500*

Be it enacted, etc., as follows:

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, and for the proper keeping of the insane and others committed to the care of the Commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding two hundred and sixty-five thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other manner, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the Commonwealth; but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Prisons and
Hospitals
Loan.

Sinking fund.

SECTION 2. From the aforesaid loan expenditures may be made as follows: — By the trustees of the Foxborough state hospital, a sum not exceeding thirty thousand dollars, for the following purposes: — For the construction and

Expenditures.
Trustees of
Foxborough
hospital.

equipment of a laundry building, a sum not exceeding twenty thousand dollars, and for the construction of a water plant, including a water tower, piping and wells, a sum not exceeding ten thousand dollars.

Trustees of
Massachusetts
School for the
Feeble-
Minded.

By the trustees of the Massachusetts School for the Feeble-Minded, a sum not exceeding sixty-five thousand dollars, for the following purposes:— For constructing and furnishing two brick buildings for nurses, a sum not exceeding thirty thousand dollars; for constructing and furnishing two buildings for patients, a sum not exceeding thirty thousand dollars; and for constructing and furnishing two wooden houses for male employees, a sum not exceeding five thousand dollars.

Trustees of the
Northampton
state hospital.

By the trustees of the Northampton state hospital, a sum not exceeding twenty thousand dollars, for the following purposes:— For the installation of a better water supply, a sum not exceeding seventeen thousand five hundred dollars, and for constructing a fireproof brick building for painters' supplies and workshop, a sum not exceeding twenty-five hundred dollars.

Trustees of the
state farm.

By the trustees of the state farm, a sum not exceeding fifty-five thousand dollars, for the following purposes:— For the construction of a building for one hundred female prisoners, a sum not exceeding thirty-five thousand dollars, and for a building for the insane department, a sum not exceeding twenty thousand dollars.

Trustees of the
Westborough
insane
hospital.

By the trustees of the Westborough insane hospital, a sum not exceeding forty thousand dollars, for the following purposes:— For constructing and furnishing buildings for tuberculous patients, a sum not exceeding five thousand dollars, and for obtaining and installing a new water supply, a sum not exceeding thirty-five thousand dollars; and the said trustees and the metropolitan water and sewerage board are authorized to arrange for taking water from the metropolitan aqueduct, so-called, near the said hospital, upon such terms as the said trustees and the said board may establish: *provided, however*, that the rate to be charged for the water used therefrom for the said hospital shall not exceed thirty dollars per million gallons.

Proviso.

Trustees of the
Worcester in-
sane hospital.

By the trustees of the Worcester insane hospital, a sum not exceeding fifty-five thousand dollars, for the purpose of constructing and furnishing a building of stone and brick to accommodate eighty male nurses.

SECTION 3. This act shall take effect upon its passage.

Approved June 20, 1906.

AN ACT RELATIVE TO THE SUPPORT OF WIVES AND MINOR CHILDREN. *Chap. 501*

Be it enacted, etc., as follows:

SECTION 1. Whoever unreasonably neglects to provide for the support of his wife or minor child or minor children, or who actually abandons his wife or minor child or minor children without adequate support, or leaves them in danger of becoming a burden upon the public, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months. Proof of neglect to provide for the support of wife or minor child shall be prima facie proof that such neglect is unreasonable.

Penalty for neglect to provide for support of wife or minor child, etc.

SECTION 2. All fines imposed under the provisions of the foregoing section may, in the discretion of the court, be ordered to be paid in whole or in part to the wife or to the city, town, corporation, society or person actually supporting the wife or minor child at the time the sentence is imposed, or to the treasurer of the Commonwealth for the use of the state board of charity, if the minor child has been committed to said board.

Disposition of fines, etc.

SECTION 3. If a person convicted under the provisions of this chapter is placed on probation or if his sentence is suspended and he is placed on probation under the provisions of chapter three hundred and thirty-eight of the acts of the year nineteen hundred and five, the court may require, as a condition of such probation, in addition to such other conditions as the court may deem proper, that such person pay from time to time to the wife, or to the probation officer, or to such person as the court may designate, such reasonable sum as the court may direct for the support of the wife or minor child, and the court may also require as a further condition of such probation that such person give a bond, with or without sureties, in a sum not exceeding two hundred dollars, to the justice of said court and his successors that he will make such payments. Suit may be brought upon said bond by any person authorized by the court, and the proceeds of the suit shall be applied to the support of the wife or minor child, as the court shall direct. The court may place the case on file on similar conditions and may take it from the files at any time. The court may at any time in its discretion modify and alter

Persons on probation to pay such sum as the court may direct, etc.

the conditions on which a person is placed on probation or on which his case is placed on file.

Sums paid may be transferred to city or town, etc., supporting wife or minor child, etc.

SECTION 4. The court may order any sums paid under the provisions of the foregoing section to be paid over in whole or in part to the city, town, corporation or society supporting the wife or minor child at the time the sentence is imposed, or to the treasurer of the Commonwealth, for the use of the state board of charity, when the complaint is for neglect to provide for the support of a minor child or of minor children who have been committed to the custody of said state board.

Complaints.

SECTION 5. Complaints under the provisions of this chapter may be made by the wife or by any other person to the municipal, district or police court or trial justice of the district in which the husband and wife or either of them are living or in which they last lived together.

To be construed as a continuation of existing statutes, etc.

SECTION 6. The provisions of this act, so far as they are the same as those of existing statutes, shall be construed as a continuation thereof and not as new enactments.

Approved June 20, 1906.

Chap. 502 AN ACT RELATIVE TO THE APPOINTMENT OF SCHOOL PHYSICIANS.

Be it enacted, etc., as follows:

Appointment of school physicians, etc.

SECTION 1. The school committee of every city and town in the Commonwealth shall appoint one or more school physicians, shall assign one to each public school within its city or town, and shall provide them with all proper facilities for the performance of their duties as prescribed in this act: *provided, however,* that in cities wherein the board of health is already maintaining or shall hereafter maintain substantially such medical inspection as this act requires, the board of health shall appoint and assign the school physician.

Proviso.

Examination and diagnosis of children to be made.

SECTION 2. Every school physician shall make a prompt examination and diagnosis of all children referred to him as hereinafter provided, and such further examination of teachers, janitors and school buildings as in his opinion the protection of the health of the pupils may require.

Authority of school committees, etc.

SECTION 3. The school committee shall cause to be referred to a school physician for examination and diagnosis every child returning to school without a certificate from the board of health after absence on account of illness or

from unknown cause; and every child in the schools under its jurisdiction who shows signs of being in ill health or of suffering from infectious or contagious disease, unless he is at once excluded from school by the teacher; except that in the case of schools in remote and isolated situations the school committee may make such other arrangements as may best carry out the purposes of this act.

SECTION 4. The school committee shall cause notice of the disease or defects, if any, from which any child is found to be suffering to be sent to his parent or guardian. Whenever a child shows symptoms of smallpox, scarlet fever, measles, chickenpox, tuberculosis, diphtheria or influenza, tonsillitis, whooping cough, mumps, scabies or trachoma, he shall be sent home immediately, or as soon as safe and proper conveyance can be found, and the board of health shall at once be notified.

Notice of disease of child to be sent to parent or guardian, etc.

SECTION 5. The school committee of every city and town shall cause every child in the public schools to be separately and carefully tested and examined at least once in every school year to ascertain whether he is suffering from defective sight or hearing or from any other disability or defect tending to prevent his receiving the full benefit of his school work, or requiring a modification of the school work in order to prevent injury to the child or to secure the best educational results. The tests of sight and hearing shall be made by teachers. The committee shall cause notice of any defect or disability requiring treatment to be sent to the parent or guardian of the child, and shall require a physical record of each child to be kept in such form as the state board of education shall prescribe.

Testing as to defective sight, etc.

SECTION 6. The state board of health shall prescribe the directions for tests of sight and hearing and the state board of education shall, after consultation with the state board of health, prescribe and furnish to school committees suitable rules of instruction, test-cards, blanks, record books and other useful appliances for carrying out the purposes of this act, and shall provide for pupils in the normal schools instruction and practice in the best methods of testing the sight and hearing of children. The state board of education may expend during the year nineteen hundred and six a sum not greater than fifteen hundred dollars, and annually thereafter a sum not greater than five hundred dollars for the purpose of supplying the material required by this act.

State board of health, etc., to furnish test-cards, blanks, etc.

Expenses, etc.

SECTION 7. The expense which a city or town may incur by virtue of the authority herein vested in the school committee or board of health, as the case may be, shall not exceed the amount appropriated for that purpose in cities by the city council and in towns by a town meeting. The appropriation shall precede any expenditure or any indebtedness which may be incurred under this act, and the sum appropriated shall be deemed a sufficient appropriation in the municipality where it is made. Such appropriation need not specify to what section of the act it shall apply, and may be voted as a total appropriation to be applied in carrying out the purposes of the act.

When to take effect.

SECTION 8. This act shall take effect on the first day of September in the year nineteen hundred and six.

Approved June 20, 1906.

Chap. 503 AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Be it enacted, etc., as follows:

1906, 249, § 1,
amended.

SECTION 1. Section one of chapter two hundred and forty-nine of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "board", in the twenty-first line, the words: — The secretary shall receive an additional salary of three hundred and fifty dollars a year, and his necessary travelling and contingent expenses, not exceeding the sum of three hundred dollars, actually incurred in attending to the necessary work of the board, — so as to read as follows: —

Board of
registration in
veterinary
medicine, ap-
pointment,
terms, etc.

Section 1. The governor, with the advice and consent of the council, shall appoint five veterinarians, residents of this Commonwealth and graduates of a school of veterinary medicine recognized by the American Veterinary Medical Association, who shall constitute a board of registration in veterinary medicine. Their terms of office shall begin on the first day of January in the year nineteen hundred and four, and they shall hold office, one for one year, one for two years, one for three years, one for four years and one for five years, or until their successors are appointed; and the governor shall appoint annually thereafter, before the first day of December, beginning with the year nineteen hundred and four, one veterinarian, qualified as aforesaid, who shall hold office for five years from the first day of January next ensuing. Any

member of said board may be removed from office for cause by the governor, with the advice and consent of the council. The members of the board shall each receive a salary of fifty dollars a year, and their necessary traveling and contingent expenses actually incurred in attending meetings of the board. The secretary shall receive an additional salary of three hundred and fifty dollars a year, and his necessary travelling and contingent expenses, not exceeding the sum of three hundred dollars, actually incurred in attending to the necessary work of the board. The said salary and expenses shall be paid out of the treasury of the Commonwealth.

Removals,
compensation,
etc.

SECTION 2. Section four of said chapter two hundred and forty-nine is hereby amended by striking out the word "five", in the third line, and also in the eleventh line, and inserting in each instance in place thereof the word: — fifteen, — and by adding at the end of said section the words: — Said board, after a hearing, may by unanimous vote revoke any certificate issued by it and cancel the registration of any veterinarian who has been convicted of a felony or crime in the practice of his profession, — so as to read as follows: — *Section 4.* Any person not entitled to registration as aforesaid who is twenty-one years of age shall, upon the payment of a fee of fifteen dollars, be entitled to examination, and if found qualified by the board shall be registered and shall receive a certificate of registration as provided in section three. Any person who fails to pass a satisfactory examination and is therefore refused registration may be re-examined at any regular meeting of the board within two years of the time of such refusal, without additional fee, and thereafter may be examined at any regular meeting upon the payment of a fee of fifteen dollars for each examination. The fees received for examination and registration of applicants before the board shall be paid monthly by the secretary of the board into the treasury of the Commonwealth. Said board, after a hearing, may by unanimous vote revoke any certificate issued by it and cancel the registration of any veterinarian who has been convicted of a felony or crime in the practice of his profession.

1903, 249, § 4,
amended.

Certain persons to be
examined, etc.

Disposition of
fees.

SECTION 3. Said board shall investigate all complaints of the violation of the provisions of section eight of said chapter two hundred and forty-nine, and report the same to the proper prosecuting officers.

Complaints
to be investigated.

Approved June 21, 1906.

Chap. 504 AN ACT TO REVISE THE LAW RELATIVE TO THE MILITIA.*Be it enacted, etc., as follows:*1906, 465, § 15,
amended.Quartermaster
general, bond,
duties, etc.

SECTION 1. Section fifteen of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five is hereby amended by adding at the end thereof the following: — The inspector general of small-arms practice, under the direction of the adjutant general, shall be charged with the care and control of all state rifle ranges and the supervision of all other ranges provided for the small-arms practice of the militia, and shall supervise the expenditure of such public funds as may be appropriated by the Commonwealth for the promotion of small-arms practice, — so that the section as amended will read as follows: — *Section 15.* The quartermaster general shall give bond to the Commonwealth in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to perform the duties of his office, to use all necessary diligence and care in the safe keeping of military stores and property of the Commonwealth committed to his custody, and to account for and deliver over to his successor or to any other person authorized to receive the same, such stores and property. The commander-in-chief may require the duties imposed upon the quartermaster general to be performed by any member of his staff, who shall in that case give bond to the Commonwealth in like manner as is required of the quartermaster general. The quartermaster general, under the orders of the commander-in-chief, shall have the care and control of the state camp ground and all other land held for military purposes, of all state arsenals and magazines, of the soldiers' burial lot and monument at Dedham, and of all military property of the Commonwealth except such as is by law expressly intrusted to the keeping of other officers. He shall purchase or draw by requisition from the United States and shall issue all arms, ammunition, clothing, camp equipage and military supplies and stores of every description, except surgical instruments and medical supplies. He shall procure and provide means of transport for the militia and for all its implements, munitions of war and military supplies; such transportation to be in kind whenever practicable. He may receive into the storehouse at the state camp ground,

from the several militia organizations, such articles of personal property used for military camping purposes as can be kept therein, which articles shall be received and delivered at the expense of the owners and held at their risk. He shall, at the public expense, provide suitable places for the safe keeping of all munitions of war, intrenching tools and all other implements of war. Such tools and implements shall be designated as the property of the Commonwealth by suitable permanent brands or marks on each of them. He may allow annually proper accounts for the repairs of uniforms and equipments. He shall adjust all accounts relating to loans of state military property to cities and towns, institutions and schools, and shall require annual returns of such property and of its condition, at such times and in such manner as he may direct, and may at any time, under the direction of the commander-in-chief, recover the whole or any part of such property as he may deem for the best interests of the Commonwealth. The inspector general of small-arms practice, under the direction of the adjutant general, shall be charged with the care and control of all state rifle ranges and the supervision of all other ranges provided for the small-arms practice of the militia, and shall supervise the expenditure of such public funds as may be appropriated by the Commonwealth for the promotion of small-arms practice.

SECTION 2. Section twenty-one of said chapter four hundred and sixty-five is hereby amended by adding at the end thereof the following:— Any officer who violates the provisions of this section shall be punished by imprisonment for a term not exceeding five years or by fine not exceeding five thousand dollars, or by both such fine and imprisonment, — so as to read as follows:— *Section 21.* The adjutant general, inspector general, quartermaster general, commissary general, the surgeon general, or any assistant of any of them, whether appointed or detailed to act as such, or any subordinate officers of their departments, shall not be interested, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth; nor shall they or any of them take or apply to his or their own use any gain or emolument other than is allowed by law for negotiating or transacting any business in their respective departments. Any officer who violates the provisions of

1906, 465, § 21,
amended.

Officers not to
be pecuniarily
interested in
purchases, etc.

Penalty.

this section shall be punished by imprisonment for a term not exceeding five years or by fine not exceeding five thousand dollars, or by both such fine and imprisonment.

1905, 465, § 84,
amended.

The commander-in-chief, may prescribe numbers, duties, etc., of non-commissioned officers, etc.

SECTION 3. Section thirty-four of said chapter four hundred and sixty-five is hereby amended by adding at the end thereof the following:— and may, in his discretion, appoint and commission the superintendent of the arsenal in the department of the quartermaster general, with rank as captain, — so as to read as follows:— *Section 34.* The commander-in-chief may from time to time by order, prescribe the numbers, titles and duties of non-commissioned staff officers, non-commissioned officers, musicians, artificers and cooks in the militia to conform to the custom in the regular army and navy of the United States, as the interest of the service may in his opinion from time to time demand, and may, in his discretion, appoint and commission the superintendent of the arsenal in the department of the quartermaster general, with rank as captain.

1905, 465, § 85,
amended.

Musicians, etc.

SECTION 4. Section thirty-five of said chapter four hundred and sixty-five is hereby amended by striking out all down to and including the word "company", in the third line, and inserting in place thereof the following:— The commanding officer of a regiment, battalion of field artillery, squadron of cavalry, corps of cadets, or naval brigade, — so as to read as follows:— *Section 35.* The commanding officer of a regiment, battalion of field artillery, squadron of cavalry, corps of cadets, or naval brigade, may employ or raise by enlistment a band of musicians, not exceeding twenty-four in number, to be under his command. Such musicians while on duty shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in.

1905, 465, § 80,
amended.

Service medals.

SECTION 5. Section eighty of said chapter four hundred and sixty-five is hereby amended by striking out the said section and inserting in place thereof the following:— *Section 80.* To each officer or enlisted man who completes nine years of honorable service, continuous or otherwise, there shall be issued a medal, and for each additional five years of like service, a clasp to be affixed thereto. Officers and enlisted men who have served in the military or naval service of the United States in time of war, and have been honorably discharged therefrom, shall receive an addi-

tional clasp indicative of such service, to be affixed to the medal herein provided.

SECTION 6. Section eighty-three of said chapter four hundred and sixty-five, as amended by chapter two hundred and twelve of the acts of the year nineteen hundred and six, is hereby further amended by striking out all after the word "officer", in the fifteenth line, down to and including the word "retired", in the eighteenth line, and inserting in place thereof the following:— Any commissioned officer requesting retirement after the completion of twenty-five years or more of commissioned service may be placed upon the retired list with such increase in rank as the commander-in-chief may direct. A commissioned officer upon the retired list who accepts a commission in the active militia may at any time, upon his own application, be placed again upon said retired list with the rank with which he was formerly retired, — and also by inserting after the word "office", in line twenty-two, the following:— Any officer who has been honorably discharged from the militia since the year eighteen hundred and ninety-eight may, upon application to the commander-in-chief, have such discharge rescinded and be placed upon the retired list under the provisions of this section, — so as to read as follows:— *Section 83.* Brigadier generals of the line at the expiration of their term of office shall be placed on the retired list if they so request.

1906, 465, § 83,
amended.

Retirement of
commissioned
officers.

Any commissioned officer in the militia service who has served as such in the active militia of this Commonwealth for the continuous period of ten years may, upon his own application, be placed upon the retired list, with the rank held by him at the time of making such application; but an officer who, at the time of making such application, has remained in the same grade for the continuous period of ten years, or has served as a commissioned officer for the continuous period of fifteen years, or, having served in the army or navy of the United States in time of war and having been honorably discharged therefrom, has also served as a commissioned officer in the militia of this Commonwealth for the continuous period of five years, shall be retired with rank next in grade above that held by him at the time of making such application. Any commissioned officer requesting retirement after the completion of twenty-five years or more of commissioned service may be

placed upon the retired list with such increase in rank as the commander-in-chief may direct. A commissioned officer upon the retired list who accepts a commission in the active militia may at any time, upon his own application, be placed again upon said retired list with the rank with which he was formerly retired.

The commander-in-chief may retire any commissioned officer who shall have been ordered by him before a medical board consisting of at least three commissioned medical officers, if such board report him to be physically unable to perform the duties of his office.

Any officer who has been honorably discharged from the militia since the year eighteen hundred and ninety-eight, may, upon application to the commander-in-chief, have such discharge rescinded, and be placed upon the retired list under the provisions of this section.

Names and records of retired officers to be appended to report.

The names and records of all retired officers shall annually be printed in a separate register in order of their retired rank, to be appended to the report of the adjutant general.

1905, 465, § 90, amended.

SECTION 7. Section ninety of said chapter four hundred and sixty-five is hereby amended by striking out the words "one thousand dollars", in the thirteenth and fourteenth lines, and inserting in place thereof the words: — not less than ten and not more than one hundred dollars, — so as to read as follows: — *Section 90.* Commissioned officers shall provide themselves with uniforms, arms and equipments prescribed by the commander-in-chief, which shall be free from attachment, distress, execution or sale for debt or payment of taxes. The uniform or insignia of rank prescribed for the officers of the volunteer militia shall be worn only by persons entitled thereto by commission under the laws of this Commonwealth or of the United States or of another state of the United States; but an honorably discharged officer may upon public occasions wear the uniform and insignia of rank to which his commission entitled him while in service. A person violating any provision of this section shall be punished by a fine of not less than ten and not more than one hundred dollars, on complaint of any officer of the militia.

Commissioned officers to provide uniforms, etc.

Penalty for unauthorized use of uniform.

1905, 465, § 90, amended.

SECTION 8. Section ninety-nine of said chapter four hundred and sixty-five is hereby amended by striking out all after the word "of", in the fifth line, and inserting in place thereof the following: — not more than double the

value of the property destroyed, injured or defaced, such fine to be paid to the quartermaster general, to be placed to the credit of the company commander's property account. When any officer or enlisted man neglects or refuses to return any military property of the Commonwealth or of the United States or of any militia organization, or to account satisfactorily for them to the officer responsible for the custody of the property, such custodian may make a written complaint directly to the chief of the district police, describing the offender and the missing property, and thereupon the district police shall make diligent search for the property and the offender, and shall institute proceedings against the offender, if found, by complaint and summons or by arrest in case the charge against the offender is embezzlement. Upon the filing with the court by a member of the district police of a copy of the complaint made by the militia officer any court of competent jurisdiction shall issue a summons to the defendant to appear, but no warrant shall be granted except upon the sworn complaint of such militia officer, — so as to read as follows:— *Section 99.* A soldier who wilfully or maliciously destroys, injures or defaces any military property belonging to or in the care of the Commonwealth, or retains it in violation of any provision of the two preceding sections, shall, on complaint of the officer responsible for such property, be punished by a fine of not more than double the value of the property destroyed, injured or defaced, such fine to be paid to the quartermaster general, to be placed to the credit of the company commander's property account. When any officer or enlisted man neglects or refuses to return any military property of the Commonwealth or of the United States or of any militia organization, or to account satisfactorily for them to the officer responsible for the custody of the property, such custodian may make a written complaint directly to the chief of the district police, describing the offender and the missing property, and thereupon the district police shall make diligent search for the property and the offender, and shall institute proceedings against the offender, if found, by complaint and summons or by arrest in case the charge against the offender is embezzlement. Upon the filing with the court by a member of the district police of a copy of the complaint made by the militia officer any court of competent jurisdiction shall issue a summons to the

Penalty for
injury to military property,
etc.

defendant to appear, but no warrant shall be granted except upon the sworn complaint of such militia officer.

1905, 465, §§ 110-123, amended.

Cities and towns to provide armories, etc.

SECTION 9. Said chapter four hundred and sixty-five is hereby further amended by striking out sections one hundred and ten to one hundred and twenty-three, both inclusive, and inserting in place thereof the following:—

Section 110. The mayor and aldermen, or the selectmen, shall provide for each command of the volunteer militia, or detachment thereof, permanently stationed within the limits of their respective cities and towns, a suitable hall for the purpose of drill, and suitable rooms annexed thereto for the meetings of the command, for administrative work, and for the safe keeping of military property; suitable grounds for parade, drill, and small-arms practice; and suitable rooms for each headquarters permanently located within their said limits, for administrative work, for the assembling of officers for instruction, and for the safe keeping of military property; and they shall provide for every such armory and headquarters the necessary fuel, lights, water, telephone service, janitor service, and necessary repairs, or shall make a reasonable allowance therefor. Any city or town failing to comply with the provisions of this section shall forfeit to the Commonwealth not more than five thousand dollars, any amount so forfeited to be credited to the armory appropriation for the fiscal year in which such forfeiture shall occur. *Section 111.* Where

Suitable hall for drill, etc., to be provided.

two or more commands of the volunteer militia are permanently stationed in the same city or town, the mayor and aldermen, or the selectmen, may, if practicable, provide for said commands a suitable hall for drill, and a suitable range for small-arms practice, to be used by them in common, provided that in every other respect the provisions of section one hundred and ten are complied with. When practicable, headquarters shall be established in armories provided for their respective commands, or units thereof. When a company is formed by men residing in different cities or towns, the permanent location for its armory shall be determined by the vote of a majority of its members, subject to the approval of the adjutant general. *Section 112.* For each armory or headquarters located in a building not exclusively devoted to the use of the volunteer militia, provided and maintained by a city or town in compliance with the provisions of section one hundred and ten or section one hundred and eleven, there

Allowance for maintenance of armories, etc.

annually shall be allowed and paid by the Commonwealth the following amounts, which shall be in full for rental and for all other charges of maintenance: for an armory provided for one company, not to exceed nine hundred dollars; for each additional company quartered therewith, not to exceed four hundred dollars; for each headquarters located in a building wherein are quartered no other troops, not to exceed four hundred dollars; for each headquarters located in the same building with other troops, not to exceed two hundred dollars; for a detachment from any command, such amount as may be determined by the adjutant general: *provided, however*, that such amount shall be deducted from the total amount allowed by law for armory rental and maintenance at the home station of the command of which such detachment forms a part. Armories provided and maintained under the provisions of this section shall be designated and known as armories of the third class. *Section 113.* Cities or towns in which headquarters, commands, or detachments of the volunteer militia are permanently stationed, may raise money by taxation or otherwise for the purpose of acquiring land for armory sites, drill grounds, or ranges for small-arms practice, and for the erection of buildings for armories, headquarters, or other military purposes. *Section 114.* For each armory, other than an armory of the first class, maintained by a city or town in a building constructed or provided for the exclusive use and occupancy of the volunteer militia, no portion thereof being devoted to any other purpose except in accordance with the later provisions of this section or with those of section one hundred and twenty-three, there annually shall be allowed and paid by the Commonwealth the following amounts: for the rental of an armory in which are quartered not more than two companies, not to exceed twelve hundred dollars, and further sums not to exceed four hundred dollars for each company or two hundred dollars for each headquarters quartered in said armory in addition to the two companies first named: *provided, however*, that the aggregate sum allowed as rental for said armory shall not exceed four per cent of the total cost thereof, including the amounts paid for both land and building; for all other expenses of the maintenance of an armory maintained under the provisions of this section in which are quartered not more than two companies, not to exceed six hundred dollars, and further

Proviso.

Cities or towns may raise money for providing armories, etc.

Expense of maintaining armories, etc.

Proviso.

sums not to exceed one hundred dollars for each company or fifty dollars for each headquarters in addition to the two first named companies, and quartered in the same building therewith. Armories constructed or provided and maintained under the provisions of this section shall be designated and known as armories of the second class. Cities and towns constructing or maintaining armories of the second class, as herein provided, may by enlargements or additions thereto, in accordance with plans approved by the adjutant general, provide rooms for municipal or town offices. The cost of such additions or enlargements shall be ascertained to the satisfaction of the adjutant general, and allowances for rents of such armories, so far as the same may be based upon the cost thereof, shall exclude the cost of said additions or enlargements. The amount to be allowed to a corps of cadets shall be determined by the commander-in-chief, but shall not exceed the allowance which would be made in the aggregate to a battalion of four companies and the headquarters thereof when quartered in an armory of the second class. *Section 115.* The governor, with the advice and consent of the council, may appoint three persons, one of whom shall be the adjutant general of the Commonwealth, and one an experienced builder, to be armory commissioners. The adjutant general shall serve without compensation and the remaining members shall receive such compensation as the governor and council may determine. In addition to the three persons hereinbefore designated, the mayor of the city or the chairman of the selectmen of the town wherein an armory is to be built under the supervision of the said commissioners, together with the senior officer of the troops to be quartered therein, shall be, *ex officio*, consulting members of the armory commission during the period of construction of said armory, but shall have no votes on said commission, and shall serve thereon without compensation other than reimbursement for expenses actually incurred in the performance of such duty. *Section 116.* If the city council of any city or if the voters of any town of more than twelve thousand inhabitants shall vote to have an armory constructed therein and shall designate the amount of the loan necessary for acquiring land and erecting, furnishing, and equipping thereon an armory, the armory commissioners of the Commonwealth shall thereupon acquire, by purchase, or otherwise, a suitable lot of land in

Armory commissioners,
appointment,
etc.

Armory
commissioners
to acquire land
for constructing
armories,
etc.

said city or town, and shall erect, furnish, and equip thereon a suitable building for an armory sufficient for one or more companies of the militia, and for such other commands or headquarters thereof, permanently stationed in said city or town, as they may deem necessary; but no land shall be acquired and no building erected until the site and plans thereof, respectively, have been approved by the governor and council. The said commissioners shall cause to be recorded in the registry of deeds for the county and district in which the land lies a description of the land taken as aforesaid, as certain as is required in an ordinary conveyance of land, with a statement signed by the commissioners that it is taken for the city in which it is situated. The act and time of filing thereof shall be the act and time of taking such land and notice to all persons that the same has so been taken. The title to the land so taken shall vest absolutely in the city in which it is situated and its assigns. The commissioners may, by agreement with the owner of the land taken, determine the value thereof, and in default of such agreement either party may have a jury in the superior court to determine such value, in the manner provided for the determination of damages for land taken for laying out highways in such city, if the petition therefor is filed in the clerk's office of the superior court for the county in which the land lies within one year from the taking. At the request of the city council of a city, or by vote of the voters of a town, in which is located an armory built by the said commissioners, they may, with the approval of the commander-in-chief, enlarge, remodel, or rebuild the same, at an expense limited by said request or vote. *Section 117.* The amount determined by agreement of said commissioners, or by verdict, as the value of any property so purchased or taken, shall be paid from the treasury of the Commonwealth upon the execution of such release or conveyance as shall be prescribed by the attorney-general. *Section 118.* To meet the expenses incurred under the three preceding sections, the treasurer and receiver general shall, with the approval of the governor and council, issue registered or coupon bonds in the name and behalf of the Commonwealth, and under its seal, for terms not exceeding thirty years, with interest not exceeding four per cent per annum, payable semi-annually, on the first days of March and September. They shall be designated on the face thereof, Armory Loan; shall be countersigned

Expense of
property
acquired to be
paid from the
treasury, etc.

Armory Loan.

Sinking fund.

Armories to be under the control of the adjutant general, etc.

Proviso.

Cities and towns providing armories to make returns to the adjutant general, etc.

by the governor; and shall be sold at public auction, or in such other mode and at such times and prices and in such amounts, and at such rate of interest, not exceeding four per cent per annum, as the governor and council shall deem for the best interests of the Commonwealth. *Section 119.* The treasurer and receiver general shall, on issuing said bonds, establish a sinking fund and shall apportion thereto annually an amount sufficient with its accumulations to extinguish the debt at maturity. The amount required each year to pay the interest and sinking fund requirements shall be assessed upon the city in which such armory is situated, in the apportionment and assessment of its annual tax; and the treasurer and receiver general shall notify such city of the assessment which shall be paid by it with its state tax, and after said debt has been extinguished no rent shall be paid by the Commonwealth for the use of said armories. *Section 120.* Armories built by the armory commissioners under the provisions of the five preceding sections shall be designated and known as armories of the first class. When accepted, they shall be under the control of the adjutant general, subject to the orders of the commander-in-chief, and all expenses incident to their furnishing, maintenance, and repair, subsequent to such acceptance, shall be paid by the Commonwealth. For headquarters and commands of the militia quartered in armories of the first class there annually shall be allowed and paid by the Commonwealth as rental, subject to the provisions of section one hundred and nineteen, the following amounts: for an armory provided for not exceeding two companies of the militia, a sum not to exceed four per cent of the cost thereof, said cost to include the aggregate amount expended for land and building: *provided, however,* that no allowance for the rental of such armory shall exceed twelve hundred dollars; for an armory provided for more than two companies, in addition to the allowance hereinbefore prescribed, for each additional troop of cavalry or battery of field artillery, six hundred dollars; for each additional company of infantry, of coast artillery, or of the naval brigade, and for each signal or hospital corps, four hundred dollars; and for each headquarters, two hundred dollars. *Section 121.* The mayor and aldermen of a city or the selectmen of a town providing an armory or armories, or headquarters, for the use of the volunteer militia, shall annually on or before the first day of Feb-

ruary make returns thereof to the adjutant general on blank forms to be provided by him. All statements contained therein shall be sworn to by at least two members of the board of aldermen or by two of the selectmen of each city or town concerned. All such returns shall give the designation and location of each armory or headquarters, the name of each command or headquarters therein located, the rental paid or charged for the same, and, when required by the classification of such armories or headquarters, the expenses incurred in heating, lighting, and repairing the same, in furnishing water, telephones and janitor service, as well as the aggregate cost of land and building. The adjutant general shall examine each return so made and, in the case of armories of the second and third classes, shall allow or disallow, in whole or in part, the sums so returned, his decision being subject to reviewal and amendment by the commander-in-chief. He shall, not later than March first of each year, file with the auditor his certificate, stating the sum allowed for each armory of each class, the name of the command or headquarters occupying the same, and the city or town making the return, and thereupon he shall notify the mayor and aldermen or the selectmen of the sum allowed, which shall be paid to such city or town: *provided, however*, that no return received by the adjutant general after the first day of February shall be allowed. *Section 122.* Every officer whose command occupies, assembles or drills in any armory, drill hall or building allowed according to law for such purpose, shall have control of such premises during the period of occupation, subject to the orders of his superior officers; and any person who intrudes contrary to his orders or to the orders of his superior officers, or who interrupts, molests, obstructs or insults the troops or any of them so occupying such premises, may be ejected, forcibly, if necessary, or may be dealt with as provided in sections one hundred and forty-seven and one hundred and forty-eight for like offences at the discretion of such officer or of his superior officers; but reasonable inspection of the premises may be made by the mayor and aldermen or by the selectmen, or by the owners of the premises, if such inspection is according to the terms of the lease. *Section 123.* Armories provided for the militia shall not be used except by the organized militia, and they shall not be let to or occupied by any one except for a proper military purpose, and then

Proviso.

Officers of the militia to have control of armories, etc.

Use of armories, etc.

Proviso. only upon application approved by the commander-in-chief and intermediate commanders: *provided, however,* that the adjutant general, upon terms and conditions to be prescribed by him and upon an application approved by the military custodian of an armory provided in any city or town for the militia, may allow the temporary use of such armory in case of public emergency or for municipal purposes. The compensation fixed by the adjutant general for every such temporary use shall be paid to the treasurer and receiver general within ten days after the occupation of the armory for such temporary use ceases, accompanied by the certificate of the adjutant general that the sum so paid is the correct amount; and all moneys so paid shall be credited to the armory appropriation for the fiscal year in which the payment is made.

1905, 465, § 144,
amended.

Limiting
number of
meetings.

SECTION 10. Section one hundred and forty-four of said chapter four hundred and sixty-five is hereby amended by adding at the end thereof the following paragraph: — No greater number of meetings than six shall be ordered without the approval of the commander-in-chief; when a greater number is approved by the commander-in-chief transportation shall be furnished by the quartermaster general for the additional meetings.

1905, 465, § 156,
amended.

Compensation
of officers and
men of the
militia.

SECTION 11. Said chapter four hundred and sixty-five is hereby further amended by striking out section one hundred and fifty-six and inserting in place thereof the following: — *Section 156. Pay and Allowances.* There shall be allowed and paid per diem to officers and soldiers of the volunteer militia, on rolls and accounts in such form as the commander-in-chief may prescribe, for the duty prescribed in sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty-three, as follows: major general, twenty dollars and eighty-three cents; brigadier general, fifteen dollars and twenty-eight cents; colonel, or captain in naval grade, nine dollars and seventy-two cents; lieutenant colonel, or commander in naval grade, eight dollars and thirty-three cents; major, or lieutenant commander in naval grade, six dollars and ninety-four cents; captain, mounted, five dollars and fifty-six cents; captain, not mounted, or lieutenant in naval grade, five dollars; first lieutenant, mounted, four dollars and forty-four cents; first lieutenant, not mounted, or lieutenant, junior grade, in naval grade, four dollars and seventeen

cents; second lieutenant, mounted, four dollars and seven-
teen cents; second lieutenant, not mounted, or ensign, naval
grade, three dollars and eighty-nine cents; chaplain, four
dollars and seventeen cents; non-commissioned staff officers,
and petty officers of like naval grade, three dollars and
fifty cents; members of a band, five dollars; chief cooks
and, in the naval brigade, cooks, first class, four dollars, if,
in such form as the commander-in-chief prescribes, it is
certified and made to appear that in each case the duty of
superintending and assisting in the preparation of the food
of the company was actually performed by the chief cook
in person during the tour of duty or day of duty for which
he is returned for pay; otherwise the pay of other enlisted
men of like grade; and every other enlisted man, two
dollars. The commander-in-chief at his discretion may
order rations to be issued to troops on duty, and the cost
of the same shall be deducted from their pay. There shall
be allowed for each horse actually used by officers and
soldiers authorized to be mounted and for each draft horse
used in the artillery the sum of four dollars a day, which
shall be in full for keeping and forage. For all other
duty under orders of the commander-in-chief, unless
otherwise specially provided, or as a witness or defendant
under summons, as provided in section one hundred and
sixty-nine, there shall be allowed and paid per diem to all
officers above the rank of captain, four dollars; to every
other commissioned officer, two dollars and fifty cents; to
every member of a band, four dollars and, if with troops,
one dollar additional; and to every enlisted man, two
dollars. There shall annually be allowed and paid to each
assistant adjutant general of brigade, twenty dollars; to
each adjutant, fifty dollars; and to each paymaster, twelve
dollars and fifty cents for every company in the command
to which he is attached. There shall be allowed and paid
to each chief bugler and bugler and drummer of the volun-
teer militia, for the duty required in sections one hundred
and twenty-four, one hundred and twenty-five, one hun-
dred and thirty-four, one hundred and thirty-five and one
hundred and forty-three, three dollars and fifty cents a day.

Compensation
of officers and
men of the
militia.

SECTION 12. Said chapter four hundred and sixty-five
is hereby further amended by striking out section one
hundred and fifty-seven and inserting in place thereof the
following: — *Section 157.* There shall be allowed and
paid to each officer and soldier required to travel on duty,

1905, 465, § 157,
amended.

Allowances
for travel.

**Allowances
for travel.**

as follows: under sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty-three, two cents a mile each way, computed by the most direct railroad communication from the place in which the headquarters of the various commands and the armories of the companies are situated; and when upon duty as a member or judge advocate of any military court or board, or as a witness or defendant before such court or board, when appearing before the board of examiners provided in section fifty-nine, when attending meetings of officers, as provided in section one hundred and forty-one; when acting as the presiding officer at an election, as an elector at the election of a general or field officer, or as a paymaster, or in any case when obliged by orders of the commander-in-chief to travel without troops, — four cents a mile each way, computed by the most direct railroad communication from the residence of the officer or soldier. There shall annually be allowed and paid a sum for instruction in riding not exceeding ten dollars per man for the aggregate enlisted strength entitled by law to be mounted. Certificates signed by the commanding officer of each organization, stating the number of men in his command who have received such instruction and who have ridden at least five times under proper military instruction, shall be furnished to the adjutant general, and upon his approval payments shall be made from said sum to the commanding officer of each organization at the rate of ten dollars for each man in his command, not exceeding the maximum legal enlisted strength thereof, so certified as having received instruction. There shall annually be allowed and paid out of the treasury of the Commonwealth to every person holding a commission in the Massachusetts volunteer militia who has served the whole of the year preceding the first day of April of each year, including the year preceding the first day of April, nineteen hundred and six, the sum of thirty-five dollars, upon the approval of the adjutant general, and of the intermediate commander of organizations, and upon their certification that such persons during the said period of service have complied with the provisions of section ninety of this chapter; and every commissioned officer who has not held his office during the whole of said year preceding the first day of April shall, upon the approval and certification by the officers specified in this section and in

the manner aforesaid, be allowed and paid such sum as may equitably be due him for that part of the year during which he actually served. There shall annually be allowed and paid for the care of and responsibility for military property of the Commonwealth in their charge, to each cadet corps commander and each company commander, fifty dollars; to each commander of a company of artillery, one hundred dollars; to each regimental commander and to the signal corps commander, fifty dollars; to the commander of the naval brigade, five hundred dollars, and to the hospital corps commander, fifty dollars; from which the adjutant general may deduct the cost of all articles lost by neglect or losses unsatisfactorily explained, before certification to the auditor for payment. Inspecting officers when on duty in armories, under orders of the commander-in-chief, shall receive the pay and allowances provided for officers on special duty.

SECTION 13. Said chapter four hundred and sixty-five is hereby further amended by striking out section one hundred and sixty-one and inserting in place thereof the following: — *Section 161.* There annually shall be allowed and paid for postage, printing, stationery, and office incidentals: to each brigade headquarters, seventy-five dollars; to each regimental headquarters, three hundred dollars; to headquarters of the naval brigade, two hundred dollars; to headquarters of battalions of field artillery and squadrons of cavalry, fifty dollars; to each corps of cadets, one hundred dollars; and to each company, fifteen dollars. There annually shall be allowed and paid to each headquarters and company the sum of two dollars for each enlisted man, excepting bandsmen not mustered, attached thereto or enrolled therein, not exceeding the maximum enlisted strength allowed by law, the amount so paid to be expended in the repair and alteration of uniforms, or in defraying the incidental military expenses of the several organizations. There annually shall be allowed and paid to each company, for the services of a company armorer, who shall devote all necessary attention to the care of the arms, equipments, uniforms and quarters of the company, the sum of one hundred and twenty-five dollars.

1905, 465, § 161,
amended.

Postage,
stationery and
incidentals.

SECTION 14. Said chapter four hundred and sixty-five is hereby further amended by striking out section one hundred and seventy-seven and inserting in place thereof the following: — *Section 177.* GENERAL PROVISIONS. The

1905, 465, § 177,
amended.

Regulations
for govern-
ment of the
militia.

commander-in-chief may make regulations for the government of the militia in accordance with law, and may publish the same with a sufficient index. The commander-in-chief shall cause copies of this act, with such amendments as may be made from time to time, to be published for the information and use of the militia, and a sufficient index shall be made for every such publication, copies whereof, sufficient for the proper supply of the several commands of the militia, shall be printed and issued by the adjutant general.

1905, 465, § 182,
amended.

Relief for
injuries
received in
service.

SECTION 15. Said chapter four hundred and sixty-five is hereby further amended by striking out section one hundred and eighty-two and inserting in place thereof the following: — *Section 182.* A member of the volunteer militia or of the naval brigade who shall, when on duty or when assembled therefor under the provisions of sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five, or one hundred and forty-three, receive any injury, by reason of such duty or assembly, or who shall without fault or neglect on his part be wounded or disabled while performing any such lawfully ordered duty, which shall temporarily incapacitate him from pursuing his usual business or occupation, shall, during the period of such incapacity, receive the pay provided by this chapter and actual necessary expenses for care and medical attendance. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed upon the application of the member claiming to be so incapacitated by the commander-in-chief. Such board shall have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers, and punish their failure to do so, as is possessed by a general court-martial. The findings of the board shall be subject to the approval of the commander-in-chief. The amount found due such member by said board to the extent that its findings are approved by the commander-in-chief shall be a charge and be paid in like manner as other military accounts are paid.

SECTION 16. This act shall take effect upon its passage.

Approved June 21, 1906.

AN ACT TO ESTABLISH THE COMMISSION ON INDUSTRIAL EDUCATION. *Chap. 505*

Be it enacted, etc., as follows:

SECTION 1. The governor, by and with the consent of the council, shall appoint a commission of five persons, to be known as the Commission on Industrial Education, to serve for the term of three years, and to receive such compensation as the governor and council shall approve. The said commission on its organization shall appoint a secretary to be its executive officer, who shall not be a member of the commission, and who shall receive such salary as shall be approved by the governor and council, and the commission may employ supervisors, experts in industrial and technical education, and such clerical and other service as may be found necessary. The necessary expenses of the commission, including clerk hire, travelling expenses, stationery and all other incidental expenses, shall be paid out of the treasury of the Commonwealth, as may be provided by law, but shall not exceed the sum of eight thousand dollars for the remainder of the present fiscal year.

Commission on Industrial Education, appointment, etc.

SECTION 2. The commission on industrial education shall be charged with the duty of extending the investigation of methods of industrial training and of local needs, and it shall advise and aid in the introduction of industrial education in the independent schools, as hereinafter provided; and it shall provide for lectures on the importance of industrial education and kindred subjects, and visit and report upon all special schools in which such education is carried on. It may initiate and superintend the establishment and maintenance of industrial schools for boys and girls in various centres of the Commonwealth, with the co-operation and consent of the municipality involved or the municipalities constituent of any district to be formed by the union of towns and cities as hereinafter provided. The commission shall have all necessary powers in the conduct and maintenance of industrial schools, and money appropriated by the state and municipality for their maintenance shall be expended under its direction.

Investigation of methods of industrial education, etc.

SECTION 3. All cities and towns may provide independent industrial schools for instruction in the principles of agriculture and the domestic and mechanic arts, but

Cities and towns may provide independent

Industrial schools, etc.

attendance upon such schools of children under fourteen years of age shall not take the place of attendance upon public schools as required by law. In addition to these industrial schools, cities and towns may provide for evening courses for persons already employed in trades, and they may also provide, in the industrial schools and evening schools herein authorized, for the instruction in part-time classes of children between the ages of fourteen and eighteen years who may be employed during the remainder of the day, to the end that instruction in the principles and the practice of the arts may go on together: *provided*, that the independent schools authorized in this section shall be approved as to location, courses and methods of instruction by the commission on industrial education.

Two or more cities or towns may unite as a district, etc.

SECTION 4. Two or more cities or towns may unite as a district for the maintenance of the industrial schools provided for in the preceding section, but no such district shall be created without the approval of the commission on industrial education.

Expenditure from the treasury to aid cities and towns, etc.

SECTION 5. Whenever any city or town or any district, as provided in the preceding section, shall appropriate money for the establishment and equipment and maintenance of independent schools for industrial training, the Commonwealth, in order to aid in the maintenance of such schools, shall pay annually from the treasury to such cities, towns, or districts a sum proportionate to the amount raised by local taxation and expended for the support of schools for each thousand dollars of valuation, as follows: cities and towns expending more than five dollars for each thousand of valuation for the support of public schools to be reimbursed by the Commonwealth to the amount of one half, those raising and expending between four and five dollars per thousand to the amount of one third, and those raising and expending less than four dollars per thousand to the amount of one fifth, of the cost of maintaining industrial schools: *provided*, that no payment to any city or town shall be made except by special appropriation by the legislature.

Proviso.

Annual report.

SECTION 6. The commission on industrial education shall make a report annually to the legislature relative to the condition and progress of industrial education during the year, stating what industrial schools have been established and the appropriations necessary for their maintenance, in accordance with the preceding section, and making

such recommendations as the commission on industrial education may deem advisable; and especially shall the commission consider and report at an early day upon the advisability of establishing one or more technical schools or industrial colleges, providing for a three or four years' course for extended training in the working principles of the larger industries of the Commonwealth.

SECTION 7. The trustees of the Massachusetts Agricultural College are hereby authorized to establish a normal department for the purpose of giving instruction in the elements of agriculture to persons desiring to teach such elements in the public schools, as provided in sections three and four: *provided*, that the cost of such department shall not exceed the sum of five thousand dollars in any one year, and that at least fifteen candidates present themselves for such instruction.

Massachusetts Agricultural College may establish departments for giving instruction in agriculture, etc.
Proviso.

SECTION 8. Section ten of chapter forty-two of the Revised Laws, and all acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal.

Approved June 21, 1906.

AN ACT TO AUTHORIZE THE FEOFFEEES OF THE GRAMMAR SCHOOL IN THE TOWN OF IPSWICH TO SELL CERTAIN LAND IN THE TOWN OF ESSEX AND TO INVEST THE PROCEEDS OF SUCH SALE.

Chap. 506

Be it enacted, etc., as follows:

SECTION 1. The Feoffees of the Grammar School in the Town of Ipswich may sell and convey, by deed executed by their treasurer, all their rights and interests in land owned by their fund in the town of Essex.

Feoffees of the Grammar School in Ipswich may convey certain rights, etc.

SECTION 2. Said feoffees may deposit the net proceeds of such sale in any savings bank in this Commonwealth, or may invest the same in any securities in which such savings banks are now or may hereafter be authorized to invest their deposits, the income thereof to be used for the support of said grammar school, agreeably to an act incorporating certain persons as feoffees of said school and for regulating the same, passed in the year seventeen hundred and sixty-five and made perpetual by an act passed on the fourteenth day of February in the year seventeen hundred and eighty-seven.

Investment of proceeds of conveyance, etc.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1906.

Chap.507 AN ACT TO AUTHORIZE THE TRUSTEES OF THE BURLEY EDUCATION FUND IN IPSWICH TO EXPEND A PART OF SAID FUND FOR THE CONSTRUCTION OF A PUBLIC SCHOOL BUILDING IN THE TOWN OF IPSWICH.

Be it enacted, etc., as follows:

Trustees of the Burley Education Fund in Ipswich may construct a public school building.

SECTION 1. The Trustees of the Burley Education Fund in Ipswich, a corporation established by chapter twelve of the acts of the year eighteen hundred and twenty-five, are hereby authorized to expend a part of said fund, not exceeding one half, for the purpose of providing a building for the use of a public school in the town of Ipswich, to be known as the Burley School.

SECTION 2. This act shall take effect upon its passage.

Approved June 21, 1906.

Chap.508 AN ACT TO ESTABLISH A SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

Trustees of the school for the feeble-minded, appointment, term, etc.

SECTION 1. The governor, with the advice and consent of the council, shall, during the month of July next, appoint seven trustees, two of whom may be women, in whom and in their successors shall be vested the government and management of the school for the feeble-minded established by this act. One trustee shall hold office for five years, two for four years, one for three years, two for two years, and one for one year, from the first day of August in the year nineteen hundred and six. Upon the expiration of the terms of the trustees, their successors shall be appointed by the governor and council, to hold office for a term of five years. Vacancies arising from death, resignation, removal or other cause shall be filled by appointment for the unexpired term only. Any trustee may be removed from office for good and sufficient cause by the governor with the advice and consent of the council.

Trustees to have general charge of the school, etc.

SECTION 2. The trustees of said school shall have general charge of the same, and shall see that its affairs are conducted according to law and to regulations established by them. They shall appoint, as soon as may be, a superintendent as their executive officer, who shall be a physician, and who shall, when a suitable building is provided, reside at the school. They shall also appoint assistant physicians, of whom one shall be a woman, and a treasurer,

who shall give bonds for the faithful discharge of his duties, with such other officers as they may deem necessary for conducting efficiently and economically the business of the school, and shall determine, subject to the approval of the governor and council, their salaries. They shall establish by-laws and regulations for the government of the school. They shall receive no compensation, but shall be reimbursed all expenses incurred in the performance of their official duties.

SECTION 3. There shall be thorough visitations of the school by two of the trustees thereof monthly, and by a majority of them quarterly, and by the whole board semi-annually, at each of which a written account of the condition of the school shall be prepared, which shall be presented at the annual meeting to be held in December, as provided by chapter two hundred and eleven of the acts of the year nineteen hundred and five. At the annual meeting a full and detailed report shall be made of the condition of the school and all its affairs, with a list of the salaried officers and their salaries, and a copy of the inventory required by law, which shall be laid before the governor and council on or before the third Wednesday in January, for the use of the government, as provided in said chapter two hundred and eleven. The treasurer shall, at the same meeting, present to the trustees his annual report. Both reports shall be made up to the thirtieth day of November inclusive. The trustees shall audit the report of the treasurer and shall transmit it with their annual report to the governor and council. The accounts and books of the treasurer shall at all times be open to the inspection of the trustees.

Visitations and report as to condition, etc.

Annual report.

SECTION 4. The trustees of said school for the feeble-minded shall be a corporation for the purpose of taking and holding by them and their successors in trust for the Commonwealth any grant or devise of land, or any gift or bequest of money or other personal property, made for the use of the institution of which they are trustees, and for the purpose of preserving and investing the same or the proceeds thereof in notes or bonds secured by sufficient mortgages or other securities, with all the powers necessary to carry said purpose into effect; and they shall have authority to expend any gift or bequest, or any part thereof, in the erection of new buildings on the land belonging to

The trustees to be a corporation, etc.

Proviso. said school: *provided*, that all such buildings shall belong to the Commonwealth and be managed by said trustees as a part of said school.

Lands not to be taken for certain purposes. SECTION 5. The lands which may at any time be held by the trustees of the said school for the feeble-minded in trust for the Commonwealth for the use of said school shall not be taken for a street, highway, railway or railroad, or for any other purpose without leave of the general court specially obtained.

Buildings to be provided with fire escapes, etc. SECTION 6. The buildings of the said school shall be provided with properly constructed iron fire escapes upon the outside thereof, accessible from the interior by doors or windows, with suitable landings at every story above the first, including the attic, if they are occupied as day rooms or sleeping rooms for the feeble-minded. They shall also be provided with suitable apparatus for the extinguishment of fire, so constructed and arranged as to be effectively used from the inside or outside of the buildings or parts thereof used for the accommodation of the feeble-minded. The trustees shall provide for a monthly inspection of the fire apparatus belonging to the school and for a proper organization and monthly drill of the officers and employees in the use thereof.

Appropriation. SECTION 7. An annual appropriation shall be made for the support of said school under the provisions of chapter one hundred and seventy-five of the acts of the year nineteen hundred and five.

The school to be under the supervision of the state board of insanity. SECTION 8. Said school shall be under the supervision of the state board of insanity, and said board shall exercise all powers and perform all duties relating to said school that are prescribed by law for institutions under its supervision.

May take lands, etc., suitable for the use of the school, etc. SECTION 9. The said trustees are hereby authorized and directed, with the approval of the state board of insanity, and, after the approval of the state board of insanity has been given, with the further approval of the governor and council, to take by purchase or otherwise a tract of farming or other land suitable in their judgment for the establishment of a school for the care, instruction, custody and control of the feeble-minded, whether children or adults. Said tract may include buildings or chattels thereon. In the event of the taking of said lands and buildings by the said trustees they shall file in the registry of deeds for the county and district within which the same are situated

a description of the lands and buildings so taken, with a statement, signed by said trustees or a majority thereof, that the same are taken under the provisions of this act in the name and behalf of the Commonwealth; and the act and time of filing thereof shall be deemed to be the act and time of the taking of such lands and buildings, and shall be a sufficient notice to all persons that the same have so been taken. The title to all lands and buildings so taken shall vest absolutely in the Commonwealth and its assigns forever. The Commonwealth shall be liable to pay all damages sustained by the owners of such lands or buildings by reason of the taking thereof. Said trustees shall have full power, subject to the approval of the governor and council, to settle by agreement or arbitration the value of the lands and buildings taken as aforesaid; and if not so settled the value shall be assessed by a jury at the bar of the superior court for the county in which the lands and buildings are situated, upon petition, to be filed in the office of the clerk of said court by the persons owning said lands and buildings, within one year after such taking and not afterward.

SECTION 10. The trustees shall obtain plans, and, after they have acquired the land provided for by section nine of this act, they shall, with the approval of the state board of insanity, proceed to construct such buildings as may be required for the establishment of a school for the feeble-minded. They shall submit all plans for buildings to the state board of insanity for its approval, as provided by law for institutions under the supervision of said board, and shall not proceed to construct or repair buildings until such approval has been obtained.

Plans to be approved by the state board of insanity.

SECTION 11. As soon as the said school is ready for the reception of the feeble-minded, the trustees shall give notice to the governor, who shall make proclamation that upon a given day the said school will be open for the reception of feeble-minded persons.

Governor to issue proclamation.

SECTION 12. If, upon application in writing, a judge of probate finds that a person is a proper subject for said school for the feeble-minded, he may commit him thereto by an order of commitment directed to the trustees thereof, accompanied by the certificate of a physician who is a graduate of a legally organized medical college and who has practised three years in this Commonwealth, that such person is a proper subject for said institution. If the judge is required to go from his office or place of business

Commitments to the school.

to make such commitment, he shall be allowed all necessary expenses of travel, which shall be paid, upon the certificate of the judge, by the county in which such application was heard.

Notice of
intention to
apply for
commitment to
be given.

SECTION 13. A person who intends to apply for the commitment of a feeble-minded person under the provisions of the preceding section shall first give notice in writing of such intention to the overseers of the poor of the city or town in which such feeble-minded person resides; but if such feeble-minded person resides in Boston, such notice shall be given to the institutions registrar instead of the overseers of the poor. Satisfactory evidence that such notice has been given shall be produced to the judge and shall accompany the order of commitment.

School depart-
ment to be
maintained.

SECTION 14. Said school for the feeble-minded shall maintain a school department for the instruction and education of feeble-minded persons who are within the school age or who in the judgment of the trustees thereof are capable of being benefited by school instruction, and a custodial department for the care and custody of feeble-minded persons beyond the school age or not capable of being benefited by school instruction.

Classification
of inmates of
the school, etc.

SECTION 15. Persons received by said corporation shall from time to time be classified in said departments as the trustees shall see fit, and the trustees may receive and discharge pupils at their discretion, and may at any time discharge any pupil or other inmate and cause him to be removed to his home or to the place of his settlement. They may also allow any inmate to be absent on a visit for not more than three months, and the liability of any person or place to said corporation for the support of such inmate shall not be suspended by reason of such absence unless, during such period, such inmate becomes a charge to the Commonwealth elsewhere.

Secretary of
the board of
education,
with the
approval of
the governor,
to recommend
persons for
admission, etc.

SECTION 16. Said corporation shall gratuitously receive, maintain and educate in the school department such indigent feeble-minded persons from this Commonwealth as shall be designated by the governor upon the recommendation of the secretary of the board of education. The trustees may also at their discretion receive, maintain and educate in the school department other feeble-minded persons upon such terms as they may determine.

Charges for
maintenance,
etc.

SECTION 17. The charges for the support of each inmate in the custodial department of said school shall be

three dollars and twenty-five cents a week, and shall be paid quarterly. Such charges for those not having known settlements in the Commonwealth shall be paid by the Commonwealth, and may afterward be recovered by the treasurer and receiver general of the Commonwealth of such inmates, if of sufficient ability, or of any person or kindred bound by law to maintain them, or of the place of their settlement, if subsequently ascertained; for those having known settlements in this Commonwealth, either by the persons bound to pay or by the municipality in which such inmates have their settlement, unless security to the satisfaction of the trustees is given for such support. If any person or municipality refuses or neglects to pay such charges, or such amounts as may be charged and due for the removal of any inmate whom the trustees are authorized by law to remove, the treasurer may recover the same to the use of the school as provided in section seventy-nine of chapter eighty-seven of the Revised Laws. A city or town which pays the charges and expenses for the support or removal of a feeble-minded person admitted to said school shall have like rights and remedies to recover the amount thereof with interest and costs from the place of his settlement, or from such person if of sufficient ability, or from any person bound by law to maintain him, as if such charges and expenses had been incurred in the ordinary support of such feeble-minded person.

SECTION 18. This act shall take effect upon its passage.

Approved June 21, 1906.

AN ACT RELATIVE TO INCREASING AND IMPROVING THE WATER
SUPPLY OF THE CITY OF LYNN.

Chap. 509

Be it enacted, etc., as follows:

SECTION 1. The state board of health and the water board of the city of Lynn are hereby authorized and directed to investigate, consider, and report upon, the matter of enlarging and improving the water supply of the city of Lynn, including all questions relating to the quantity of water to be obtained from available sources, its quality, the best methods of improving its quality and protecting its purity, by filtration or otherwise, the cost of construction, operation and maintenance of works for storing, conveying or purifying the water, damages to property and all other matters pertaining to the subject.

Enlarging and
improving the
water supply
of the city of
Lynn.

Expenses, etc.

SECTION 2. Said board shall have power to employ such engineering and other assistance and to incur such expenses as may be necessary in carrying out the provisions of this act.

Report of plans and estimates to be made.

SECTION 3. The said board shall report the said plans and estimates to the general court on or before the first Thursday in January in the year nineteen hundred and seven, and shall append to its report drafts of any bills which it may deem suitable to carry out its recommendations.

Chairman.

SECTION 4. The chairman of the state board of health shall be the chairman of the joint board.

Expenditure to be repaid by the city of Lynn.

SECTION 5. The total amount of money expended from the treasury of the Commonwealth in carrying out the provisions of this act shall not exceed two thousand dollars, and the amount so expended shall be repaid to the Commonwealth by the city of Lynn.

SECTION 6. This act shall take effect upon its passage.

Approved June 21, 1906.

Chap. 510 AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Prisons and Hospitals Loan.

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, and for the proper keeping of the insane and others committed to the care of the Commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and nineteen thousand five hundred dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other manner, and at such

times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the Commonwealth; but none of the same shall be sold at less than the par value thereof. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

SECTION 2. From the aforesaid loan expenditures may be made as follows: — By the trustees of a new school for the feeble-minded to be established during the present year, a sum not exceeding fifty thousand dollars. By the trustees of the state hospital, a sum not exceeding sixty-nine thousand five hundred dollars, for the following purposes: — For the construction of a hospital ward, a sum not exceeding sixty thousand dollars, and for the purchase of land and the buildings thereon, a sum not exceeding ninety-five hundred dollars.

Expenditures.
Trustees of
new school for
the feeble-
minded.

State hospital.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1906.

AN ACT TO APPROVE THE PURCHASE BY THE UNITED STATES OF FOUR PARCELS OF LAND IN THE TOWN OF HULL, AND TO CEDE JURISDICTION OVER THE SAME TO THE NATIONAL GOVERNMENT.

Chap.511

Be it enacted, etc., as follows:

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby granted to the United States of America to purchase four parcels of land in the town of Hull, for purposes of national defence, as follows: —

The United
States may
acquire certain
land in the
town of Hull.

Parcel one: comprising lots one hundred and five and one hundred and six as shown on a plan entitled "Plan of Lots owned by the Nantasket Co. on Strawberry Hill at Nantasket Beach, by C. H. Paine, Surveyor, dated June, 1883, and recorded in Plymouth Registry of Deeds in

Description
of land to
be taken.

Plan Book 1, page 98", and the back lots adjoining the same, on the east, on "Strawberry Hill", comprising an area of forty thousand one hundred and seven square feet;

Parcel two: lots twenty-four and twenty-five at Point Allerton, as shown on a plan entitled "Land at Point Allerton, Hull, Mass., by Frederic M. Hersey, engineer, dated January 13, 1906", area about seventy thousand six hundred square feet;

Parcel three: near Point Allerton railroad station on the southwesterly side of Old County road, fronting thirty feet thereon and extending back at right angles thereto and of the same width to mean low water of Hull bay; the northerly corner being at the junction of the southerly property line of the Hull and Nantasket Beach railroad with the southwesterly line of said Old County road; area about six thousand square feet;

Parcel four is twelve feet square and lies between Spring street and Hull bay, the northerly side of the same being the face of the sea wall, and the northeasterly corner being two hundred and twenty-eight feet westerly of the angle in said wall.

Jurisdiction
granted to the
United States.

Proviso.

SECTION 2. Jurisdiction over the land so purchased is hereby granted and ceded to the United States: *provided*, [and the cession and consent aforesaid are granted upon the express condition], that the Commonwealth shall retain a concurrent jurisdiction with the United States in and over the land so purchased, so far as that all civil processes and such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with crimes committed without the said tracts of land may be executed therein in the same manner as though this cession had not been granted.

Plan to be
deposited in
the office of
the secretary
of the Com-
monwealth.

SECTION 3. This act shall be void unless a suitable plan or plans of the premises purchased by the United States under the provisions of this act shall be deposited in the office of the secretary of the Commonwealth within one year from the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1906.

AN ACT TO PROVIDE FOR THE ENLARGEMENT AND IMPROVEMENT OF THE WACHUSETT MOUNTAIN STATE RESERVATION. *Chap. 512*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding five thousand dollars shall be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended by the Wachusett mountain state reservation commission in acquiring by purchase or otherwise such lands adjoining the present Wachusett mountain state reservation as said commission may deem it necessary or advisable to acquire.

The Wachusett mountain state reservation commission may acquire additional land.

SECTION 2. Said commission shall have the same power to acquire, take and care for such additional lands as are given to it by section four of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-nine in respect to the lands already acquired by the commission for said reservation. The additional lands taken or acquired under the provisions of this act shall form a part of said reservation, and the title thereto shall be and remain in the Commonwealth.

Powers and duties.

SECTION 3. The county commissioners of the county of Worcester are hereby authorized to pay from the treasury of the county a sum not exceeding twelve thousand dollars, to be expended by the Wachusett mountain state reservation commission for the reconstruction of the summit house and adjacent buildings on Wachusett mountain in said reservation.

The county of Worcester to pay for reconstructing certain buildings.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1906.

AN ACT RELATIVE TO THE CONSTRUCTION OF A BRIDGE OVER THE MERRIMAC RIVER IN THE CITY OF LAWRENCE. *Chap. 513*

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Lawrence is hereby authorized to appoint a commission of five persons, to be known as the Lawrence Bridge Commission, all of whom shall be citizens of Lawrence. The said commission shall serve until the bridge hereinafter provided for is completed, and shall receive such compensation as the mayor of the city shall fix, but in no event shall it exceed in the aggregate the sum of twenty-five hundred dollars. The

Lawrence Bridge Commission, appointment, etc.

mayor may remove any member of the commission, and may fill any vacancy occurring in the commission.

Surveys, estimates and plans for new bridge to be made, etc.

SECTION 2. The said commission shall make or cause to be made surveys, estimates and plans for the construction of a new bridge, with suitable approaches, over the Merrimac river in the city of Lawrence, at a point between the present Broadway bridge and the Union street bridge. The location, width, grade, material and manner of construction of said bridge shall be determined by the commission. Said commission may also procure options for the purchase of land for the use of said bridge and approaches, or may take the lands, rights or easements which may be required to build said bridge and its approaches; but in order to so take, said commission shall first record in the registry of deeds for the northern district of the county of Essex, a statement containing a description of the lands, rights or easements taken and shall file a plan of the same in said registry. The damages to persons interested in the premises or rights taken shall be assessed as in the case of lands taken for highways and any person aggrieved thereby may proceed in the same manner as in case of land taken for highway purposes within two years after the filing of said statement. Said commission may expend for the purposes of this act such sum, not exceeding ten thousand dollars, as may be fixed by the city council of the city, with the approval of the mayor. The said sum shall not be reckoned in determining the statutory limit of indebtedness of the city.

Damages.

Expenditures.

SECTION 3. This act shall take effect upon its passage.

Approved June 21, 1906.

Chap. 514 AN ACT TO PROVIDE FOR ENLARGING THE MOUNT TOM STATE RESERVATION.

Be it enacted, etc., as follows:

The Mount Tom state reservation commission may acquire additional land.

SECTION 1. The Mount Tom state reservation commission is hereby authorized to expend, for the purpose of acquiring, by purchase or otherwise, such lands adjoining the present Mount Tom state reservation or enclosed by it as the commission may deem it necessary or advisable to acquire, a sum not exceeding fifteen thousand dollars, during the three years nineteen hundred and six, nineteen hundred and seven and nineteen hundred and eight.

SECTION 2. Said commission shall have the same power to acquire, hold and care for such additional lands as is given to it by chapter two hundred and sixty-four of the acts of the year nineteen hundred and three. The additional land so acquired shall form a part of the said reservation and the title thereto shall be and remain in the Commonwealth.

Powers and duties.

SECTION 3. The necessary expense for care and maintenance of additional lands so acquired shall be paid as provided for in section four of chapter two hundred and sixty-four of the acts of the year nineteen hundred and three.

Care and maintenance of additional lands, etc.

SECTION 4. This act shall take effect upon its passage.

Approved June 21, 1906.

AN ACT TO INCORPORATE THE DRY POND CEMETERY ASSOCIATION.

Chap. 515

Be it enacted, etc., as follows:

SECTION 1. Webster Smith, Andrew J. Leonard, Letitia B. Drake, Lucius Clapp, Erastus Smith, Zilpha A. Holmes, Frank F. Smith, Ernest H. Gilbert, William B. Holmes, Charles C. Smith, Edgar F. Drake, Aaron Gay, Jesse Gay and James B. Clapp, their associates and successors, are hereby made a corporation by the name of the Dry Pond Cemetery Association, for the purpose of acquiring, holding, maintaining, improving and enlarging, for a place of burial of the dead, certain land set apart and known as the Dry Pond Cemetery, situated in the town of Stoughton. Said corporation shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Dry Pond Cemetery Association incorporated.

SECTION 2. Said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time, and may acquire by gift, bequest, devise or otherwise, and may hold so much real and personal property as may be necessary or appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

May acquire and hold real estate, etc.

Proviso.

SECTION 3. All persons now or hereafter owning lots or any interest in lots in said cemetery may become members

Membership of the corporation.

of the corporation on application to the secretary, and when any person shall cease to be the proprietor of a lot or of an interest in a lot in the lands of the corporation he shall cease to be a member thereof.

Proceeds of
sales to be
applied to
improvements,
etc.

SECTION 4. The net proceeds of sales of lots in the lands held by said corporation and any bequests made to it shall be applied to the preservation, improvement, embellishment, protection or enlargement of said cemetery, and to paying the incidental expenses thereof, and to no other purpose.

Grants,
bequests, etc.

SECTION 5. Said corporation is hereby authorized to take and hold any grant, gift or bequest of property, upon trust, to apply the same or the income thereof to the improvement, embellishment, protection or enlargement of said cemetery, or of any lot therein, or for the erection, repair, preservation or removal of any monument, fence or other structure therein, or for the planting or cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the object of said corporation, according to the terms of such grant, gift or bequest.

Officers,
powers and
duties, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and define their powers and duties, and may also provide for the care and management of the cemetery and for the sale of the lots therein, and for the management of any funds which it may hold, and for any other matters incident to the purposes of the corporation.

SECTION 7. This act shall take effect upon its passage.

Approved June 21, 1906.

Chap.516

AN ACT RELATIVE TO ELECTRIC RAILROAD COMPANIES.

Be it enacted, etc., as follows:

FORMATION AND POWERS.

Formation.

SECTION 1. Fifteen or more persons may associate themselves by a written agreement of association with the intention of forming an electric railroad company.

Powers.

SECTION 2. Such company shall have authority, subject to the provisions of this act, to construct, operate and maintain a railroad or railway, including poles, wires, or other appliances and equipment connected therewith, of the class operated by electricity or by any power other than

steam, which the board of railroad commissioners shall approve, and constructed wholly upon private land purchased or taken by said company under the provisions of this act; or constructed partly upon such private land so purchased or so taken by said company and partly upon public ways and places, but at least one half of which is constructed upon such private land. Such company shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, relative to railroad corporations, set forth in chapter four hundred and sixty-three of the acts of the year nineteen hundred and six, except as is otherwise specially provided in this act.

SECTION 3. The agreement of association shall state: — Agreement of association.

(a) That the subscribers thereto associate themselves with the intention of forming an electric railroad company.

(b) The corporate name assumed, which shall be one not in use by any other electric railroad company in the Commonwealth, or, in the judgment of the board of railroad commissioners, so similar thereto as to be likely to be mistaken for it, or for any railroad corporation or street railway company in this Commonwealth, and which shall contain the words, "electric railroad company", at the end thereof.

(c) The termini of the railroad.

(d) The length of the railroad, as nearly as may be.

(e) The name of each county, city and town in which the railroad is to be located.

(f) The gauge of the railroad, which shall be four feet eight and one half inches.

(g) The total amount of the capital stock of the company, which shall be not less than ten thousand dollars for each mile.

(h) The par value of the shares, which shall be one hundred dollars.

(i) The names and residences of at least five persons, who shall be subscribers to the agreement of association, to act as directors until others are chosen and qualified in their stead.

Each associate shall subscribe to the agreement of association his name, residence, post office address, and the number of shares of stock which he agrees to take, but no subscriber shall be bound to pay more than ten per cent of the amount of his subscription unless a company is incorporated.

Publication of
agreement of
association.

SECTION 4. The directors, before applying to the board of railroad commissioners as hereinafter provided, shall cause a copy of the agreement of association to be published in a newspaper, if there be any, published in each of the cities and towns in which the railroad is to be located, and if, in any county, a newspaper is published in none of said cities and towns therein, in such newspaper published in said county as shall be designated by the board of railroad commissioners, at least once in each of three successive weeks; and the sworn certificate of the clerk shall be conclusive evidence thereof.

Certificate of
public
exigency.

SECTION 5. After compliance with the provisions of section one and of the two preceding sections, and within thirty days after the first publication of notice of the agreement of association therein required, the directors therein named shall apply to the board of railroad commissioners for a certificate that public convenience and necessity require the construction of a railroad as proposed in such agreement. With such application said directors shall file a map of the railroad showing the cities and towns through which it will pass, the principal highways, railways, railroads, navigable streams and tide waters to be crossed, and the extent to which the route of the railroad will be fixed upon private land or will be located longitudinally upon public ways and places. They shall also file a general profile of the railroad showing the grades, and shall submit an estimate showing in reasonable detail the cost of construction. The directors shall also furnish such additional maps and information as said board may require. Prior to the decision of said board the directors may change or modify the route in any city or town in whole or in part either at the suggestion of said board or otherwise. If said board refuses to issue such certificate, no further proceedings shall be had, but the application may be renewed after one year from the date of such refusal.

Proceeding
before board
of aldermen of
cities or select-
men of towns.

SECTION 6. In case the board of railroad commissioners grants the certificate specified in the preceding section, the directors may, within sixty days after the granting thereof, apply to the board of aldermen of each city and to the selectmen of each town in which the railroad is to be located to fix the route of the railroad in such city or town, and with such application the directors shall file a copy of the maps and general profile, and, upon request, the other information presented to the board of railroad commis-

sioners. The board of aldermen and the selectmen shall give fourteen days' notice of the time and place for a hearing on such application by publication thereof in one or more newspapers, if there be any, published in said city or town; otherwise in such newspaper or newspapers published in the county in which the city or town is situated as shall be designated by the board of railroad commissioners; and written notice of the time and place at which such hearing will be held shall be mailed at least seven days before said hearing by the clerk of the city or town in which the application for locations has been filed to the owners as determined by the last preceding assessment for taxation of real estate along the public ways or parts of ways upon which it is proposed to construct said line and to the owners of private land upon which the route of the railroad is to be fixed. The board of aldermen or the selectmen shall set forth in the certificate required by section seven the fact that such notice was mailed as above provided.

SECTION 7. If the route designated in the application is agreed to by the board of aldermen or the selectmen, and all requirements in respect of the part of said route located longitudinally upon public ways and places are assented to by the directors, and thereafter are approved in writing by the board of railroad commissioners, the board of aldermen or the selectmen shall make a certificate setting forth the route as fixed by them, which shall be certified by said board or their clerk to the directors, and no further proceedings shall be necessary, but the route so agreed to shall be the route of said railroad in such city or town. If the board of aldermen or the selectmen agree with the directors upon a route different from that designated in the application, or if the board of aldermen or the selectmen fail to agree with the directors upon a route, or as to the requirements in respect of the part of the route located longitudinally upon public ways and places, the directors within ninety days after the date of the filing of the application or within fourteen days after the failure to approve the requirements, may apply to the board of railroad commissioners, which may, in its discretion, after notice to the board of aldermen or the selectmen, and after public notice and a hearing, fix the route of said railroad in such city or such town, which route may be either the route designated in the application, or the route agreed to by the board of

Fixing of the route.

aldermen or the selectmen and the directors. Said board shall thereupon make a certificate setting forth the route as fixed by it, which route shall be certified by its clerk to the directors. In fixing such route the board of railroad commissioners shall not locate it longitudinally upon any public way or place in such city or town without the consent of the board of aldermen of such city or the selectmen of such town. That part of the route which consists of a location longitudinally upon a public way or place shall not be deemed to be fixed until all requirements which may be imposed in respect of it by the board of aldermen, or the selectmen, as the case may be, are approved in writing by the board of railroad commissioners.

Location on
public way,
etc.

SECTION 8. If the board of aldermen or the selectmen are of opinion that public convenience and necessity require the railroad to be constructed in part longitudinally upon a public way or place, they may, in granting or agreeing to a location upon such public way or place, prescribe how the tracks shall be laid, and the kind of wires, poles, rails and other appliances which shall be used, and may impose such terms, conditions and obligations incidental to and not inconsistent with the objects of a street railway company as the public interests may in their judgment require, and the board of railroad commissioners may approve.

Certificate of
incorporation.

SECTION 9. The certificate of incorporation issued by the secretary of the commonwealth to the company shall contain the words, "electric railroad companies", instead of the words, "railroad corporations."

Common
carriers of
baggage and
freight.

SECTION 10. An electric railroad company shall act as a common carrier of baggage, express matter and freight in such cases, upon such parts of its railroad, and to such extent, in any city or town as, after public notice and a hearing upon the petition of the president or a majority of the directors of the company or any interested party, the board of aldermen or the selectmen, or those exercising the powers of such board or of selectmen, in such city or town, shall by order approve: *provided, however*, that a company shall actually engage in the business of a common carrier under authority of this act only in such of the cases, upon such of the parts of its railroad, and to so much of the extent, approved as aforesaid, as the board of railroad commissioners shall certify, after public notice and a hearing upon the petition of the president or a majority of the directors of the company or any interested party,

Proviso.

that public necessity and convenience require; and *provided, further*, that any company acting under authority hereof shall be subject to such regulations and restrictions as may from time to time be made by the local authorities aforesaid, with the approval of the board of railroad commissioners, and shall also be subject to the provisions of all laws now or hereafter in force relating to common carriers so far as they shall be consistent herewith and with said regulations and restrictions.

Proviso.

SECTION 11. An electric railroad company shall be subject to the following provisions of law relative to street railway companies contained in Part III of chapter four hundred and sixty-three of the acts of the year nineteen hundred and six: section thirty-four of said chapter, relative to the acquisition of recreation grounds; sections fifty-nine to sixty-three, inclusive, of said chapter, relative to the purchase of electricity by cities and towns; and section one hundred and three of said chapter, relative to the increase of capital stock and issue of bonds. If the railroad, or any extension thereof, is to be located in part longitudinally upon public ways and places, such company shall, upon that part of its route, also be subject to the following provisions of law relative to street railway companies: sections thirty-two, sixty-seven to seventy-two, inclusive, of said chapter, relative to locations; section sixty-four of said chapter, relative to extension of locations; section sixty-five of said chapter, relative to alteration of locations; section sixty-six of said chapter, relative to revocation of locations; sections seventy-three to eighty-one, inclusive, of said chapter, relative to construction, use or discontinuance of tracks; sections thirty-six, thirty-seven, thirty-eight, eighty-two to ninety-five, inclusive, of said chapter, relative to operation; sections one hundred and thirteen to one hundred and sixteen, inclusive, of said chapter, relative to crossings of steam railroads; sections one hundred and fifty-five to one hundred and fifty-seven, inclusive, of said chapter, relative to remedies and procedure before state boards.

Subject to certain provisions of law, etc.

SECTION 12. An electric railroad company shall not be subject to the following provisions of law relative to railroad corporations contained in Part II of said chapter four hundred and sixty-three: so much of section twenty-two of said chapter as refers to tracks laid longitudinally within the limits of a public way; so much of section forty-six of

Certain sections of railroad law not to apply.

Powers of
railroad com-
missioners.

Certain pro-
visions of law
to apply, etc.

said chapter as applies to grain elevators; sections fifty-eight, fifty-nine and sixty of said chapter, relative to stock or bonds of other corporations; sections one hundred and forty-seven, one hundred and fifty-six, one hundred and seventy-three to one hundred and seventy-six, inclusive, and two hundred and forty-one, of said chapter relative to operation; section one hundred and fifty-five of said chapter relative to the obstruction of highways; and so much of section two hundred and forty-three of said chapter as applies to locations longitudinally within the limits of a public way; but the board of railroad commissioners shall prescribe rules and regulations relative to the equipment of cars, the ringing of bells, the sounding of whistles and the giving of signals, for the prevention of accidents.

SECTION 13. Section two hundred and thirty-three of Part II of said chapter four hundred and sixty-three shall apply to an electric railroad company, with the addition, after the word "track", in the second line thereof, of the words "not within the limits of a highway"; and section sixty-three of Part I of said chapter shall apply to such company, with the addition, after the word "upon", in the fourteenth line thereof, of the words "that part of", and after the word "railroad", in the fourteenth and fifteenth lines thereof, of the words "not within the limits of a highway."

TAXATION.

A. *Corporate Franchise Tax.*

Annual
returns to tax
commissioner.

SECTION 14. Every electric railroad company organized under the general laws of the commonwealth, in addition to all returns required by its charter, shall annually, between the first and tenth days of May, return to the tax commissioner, under the oath of its treasurer, a complete list of its shareholders, their residences, the number of shares belonging to each, the amount of the capital stock of the company, its place of business and the par value and market value of the shares made up as of said first day of May. If stock is held as collateral security, such return shall state the name and residence of the pledgor and of the pledgee. It shall also contain a statement in detail of the works, structures, real estate and machinery owned by said company and subject to local taxation within the commonwealth, and of the location and value thereof. Such company shall also state in its return the whole length of its

line, and so much of the length of its line as is without the commonwealth, and so much as is constructed on private land; also the length of track operated by the electric railroad company in each city and town on the thirtieth day of September preceding the return, to be determined by measuring as single track the total length of all tracks operated by it, including sidings and turn-outs, whether owned or leased by it or over which it has trackage rights only; and the amount of dividends paid on its capital stock during the year ending on such preceding thirtieth day of September and during each year from the organization of the company.

SECTION 15. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares of each electric railroad company, and shall estimate therefrom the fair cash value of all of said shares constituting its capital stock on the preceding first day of May, which, unless by the charter of the company a different method of ascertaining such value is provided, shall, for the purposes of this act, be taken as the true value of its corporate franchise. From such value there shall be deducted so much of the value of its capital stock as is proportional to the length of that part of its line, if any, lying without the commonwealth; and also the value of its real estate and machinery subject to local taxation within the commonwealth.

Valuation of
corporate
franchise, etc.

For the purposes of this section, the tax commissioner may take the value at which such real estate and machinery are assessed at the place where they are situated as the true value, but such local assessment shall not be conclusive of the true value thereof.

Valuation of
real estate, etc.

SECTION 16. The tax commissioner may require the company to prosecute an appeal from the valuation of its real estate or machinery by the assessors of a city or town, either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

Corporation
may appeal
from local
valuation, etc.

SECTION 17. Every electric railroad company subject to the provisions of section fourteen shall annually pay a tax upon its corporate franchise, after making the deductions provided for in section fifteen, at a rate determined by an apportionment of the whole amount of money to be

Tax to be paid
on corporate
franchise, etc.

raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter; but if the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in such city or town for the preceding year, as certified to the secretary of the commonwealth, may be adopted for the purpose of this determination. The amount of tax assessed upon polls for the preceding year, as certified to said secretary, may be taken as the amount of poll tax to be deducted from the whole amount to be raised by taxation, in ascertaining the amount to be raised upon property.

B. Additional Corporate Franchise Tax.

Additional
tax, etc.

SECTION 18. If an operating electric railroad company, including a company whose lines are located partly within and partly without the limits of the commonwealth, has paid during the year ending on the thirtieth day of September preceding the date of the return required by section fourteen dividends exceeding in the aggregate eight per cent upon its capital stock, it shall for every such year in addition to the tax required by the preceding section pay a tax equal to the amount of such excess to be determined as therein provided by the tax commissioner; but such additional tax shall not be imposed, if, from the date when the company began to operate its railroad, it has not paid dividends equivalent in the aggregate to at least six per cent per annum upon its capital stock from year to year.

Remedy of
corporation
when assess-
or's valuation
exceeds tax
commis-
sioner's.

SECTION 19. If the value of the real estate and machinery of an electric railroad company subject to local taxation within the commonwealth, as determined by the tax commissioner, is less than the value thereof as determined by the assessors of the place where the same are situated, he shall give notice of his determination to such company; and, unless within one month after the date of such notice it applies to said assessors for an abatement, and, upon their refusal to grant an abatement, prosecutes an appeal under the provisions of section seventy-seven of

chapter twelve of the Revised Laws, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said company.

C. Exemption and Apportionment.

SECTION 20. No taxes shall be assessed in a city or town for state, county or town purposes upon the shares in the capital stock of an electric railroad company for any year for which it pays to the treasurer and receiver general a tax on its corporate franchise. Such proportion of the tax collected of each electric railroad company under the provisions of sections seventeen and eighteen as corresponds to the proportion of its line constructed on private land, shall be distributed, credited and paid, in the ratio of the amount of its stock owned by persons residing in this commonwealth, to the several cities and towns in which, from the returns or other evidence, it appears that such persons resided on the preceding first day of May, according to the number of shares so held in such cities and towns respectively. If stock is held by co-partners, guardians, executors, administrators or trustees, the proportion of tax corresponding to the amount of stock so held shall be credited and paid to the cities and towns where the stock would have been taxed under the provisions of clauses four, five, six and seven of section twenty-three and of section twenty-seven of chapter twelve of the Revised Laws. Such proportion of the tax collected from any such electric railroad company under the provisions of sections seventeen and eighteen as corresponds to the proportion of its line located longitudinally upon public ways and places, shall be distributed, credited and paid to the several cities and towns in proportion to the length of tracks operated by such company in such cities and towns respectively. The share of the tax paid by an electric railroad company in respect of its tracks upon locations granted by the board of metropolitan park commissioners or by the Wachusett mountain state reservation commission shall be apportioned to the commonwealth and shall be credited by the treasurer and receiver general to the sinking fund of the loan to which the expenditure for the road, boulevard, park or reservation in which the tracks are located was charged.

Exemption
from local
taxation, etc.

SECTION 21. The tax commissioner shall, subject to appeal to the board of appeal, ascertain and determine the

Tax commis-
sioner to
determine

amounts due
to cities and
towns.

amount due to each city and town under the provisions of the preceding section, notify the treasurer of each city and town thereof, and certify the amount as finally determined, to the treasurer and receiver general, who shall thereupon pay over the same.

D. Commutation Tax.

Returns of
electric rail-
road com-
panies to
assessors.

SECTION 22. An electric railroad company, including a company whose lines are located partly within and partly without the limits of the commonwealth, shall annually, on or before the fifteenth day of October, make and file in the office of the board of assessors of every city and town in which any part of the railroad operated by it is situated a return signed and sworn to by its president and treasurer, stating the length of track operated by it longitudinally upon public ways and places in such city or town, and also the total length of track operated by it, determined as provided in section fourteen, and also the amount of its gross receipts during the year ending on the preceding thirtieth day of September, including therein all amounts received by it from the operation of its railroad, but excluding income derived from sale of power, rental of tracks or other sources.

Excise tax.

SECTION 23. On or before the first day of November annually, the assessors of every city and town in which an electric railroad is operated, including a company whose lines are located partly within and partly without the limits of the commonwealth, shall assess on every company described in the preceding section operating a railroad therein an excise tax of an amount equal to such proportion of the following percentages of the gross receipts of such company as the length of tracks operated by it longitudinally upon the public ways and places of such city or town bears to the total length of tracks operated by it.

Percentages.

The percentages shall be based upon the annual gross receipts for each mile of track as follows and computed upon the aggregate of such annual gross receipts: four thousand dollars or less, one per cent; more than four thousand dollars and less than seven thousand, two per cent; more than seven thousand dollars and less than fourteen thousand, two and one quarter per cent; more than fourteen thousand dollars and less than twenty-one thousand, two and one half per cent; more than twenty-one thousand

dollars and less than twenty-eight thousand, two and three quarters per cent; twenty-eight thousand dollars or more, three per cent.

The excise tax provided for by this section shall be in addition to the taxes otherwise provided by law.

SECTION 24. The aldermen of a city, the selectmen of a town or an electric railroad company operating in such city or town may petition the board of railroad commissioners for a revision of the amount of excise tax to be paid by a company under the provisions of the preceding section. Said board shall, upon such petition, after public notice and a hearing at which the aldermen or selectmen and the company may submit evidence, determine the average annual cost to such city or town of the work done by it during the preceding three years under the provisions of said chapter four hundred and sixty-three, which a street railway company was not by law required to do prior to the first day of October in the year eighteen hundred and ninety-eight, and also the average annual payments made by said company to said city or town under and pursuant to the provisions of the preceding section during said three years; and having determined said average annual cost and average annual payments, said board shall fix and determine the proportion of a percentage of the gross receipts which shall be paid as an excise tax under the provisions of said section by the company to said city or town annually thereafter, such percentage to be fixed at such a rate as will be necessary to yield to the city or town annually thereafter an amount equal to the average annual cost to the city or town determined as aforesaid; and the percentage so fixed shall not again be changed for the period of three years and then only in the manner herein provided. Said board may at any time upon petition therefor by a city or town entitled to a part of the excise tax paid by an electric railroad company, after such notice as the board may order to all other cities and towns entitled to share in the excise tax paid by said company, and after a hearing, determine as to the distribution thereof among the several cities and towns in which such company operated any part of its railroad, and fix the proportions thereof to which they shall respectively be entitled, which shall thereafter be the proportions of said excise tax to be assessed upon said company, instead of the proportion based upon length of tracks as hereinbefore provided.

Revision
of tax.

Notice to
collector of
amount of
excise tax.

SECTION 25. Prior to the fifteenth day of November in each year the assessors of every city and town shall notify the collector of taxes thereof of the amount of excise tax assessed therein under the provisions of section twenty-three, and the collector shall forthwith notify the treasurer of every electric railroad company of the amount of excise tax so assessed upon it, which shall become due and payable within thirty days after the receipt of such notice. The provisions of chapter thirteen of the Revised Laws, so far as they may be appropriate, shall apply to the collection of the said excise tax.

E. Application of Taxes.

Application
of taxes.

SECTION 26. All taxes which are collected from an electric railroad company and paid to cities and towns under the provisions of the preceding section and of section twenty-one shall be applied toward the construction, repair and maintenance of the public ways and places in which the tracks of such company are located, and to the removal of snow from such public ways and places within such cities and towns.

Parties
interested.

SECTION 27. In any proceeding under this act before the board of railroad commissioners, the mayor and aldermen of any city or the selectmen of any town, any person whose land is to be taken or whose estate abuts upon any highway through which the electric railroad is to pass, and any railroad corporation or street railway company which has a location in any city or town included within the proposed route of the electric railroad company, shall be considered an interested party. *Approved June 22, 1906.*

Chap. 517 AN ACT TO CONSTITUTE EIGHT HOURS A MAXIMUM DAY'S WORK FOR PUBLIC EMPLOYEES.

Be it enacted, etc., as follows:

Eight hours
to constitute
a day's work
for public em-
ployees, etc.

SECTION 1. Eight hours shall constitute a day's work for all laborers, workmen and mechanics now or hereafter employed by or on behalf of the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws; but in cases where a Saturday half-holiday is given the hours of labor upon the other

working days of the week may be increased sufficiently to make a total of forty-eight hours for the week's work.

SECTION 2. Every contract, excluding contracts for the purchase of material or supplies, to which the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, is a party which may involve the employment of laborers, workmen or mechanics shall contain a stipulation that no laborer, workman or mechanic in the employ of the contractor, sub-contractor or other person doing or contracting to do the whole or a part of the work contemplated by the contract shall be required to work more than eight hours in any one calendar day.

Contracts to contain a certain stipulation, etc.

SECTION 3. This act shall apply to all laborers, workmen or mechanics engaged upon any works which are or are intended to be the property of the Commonwealth, or of any county therein, or of any city or town which has accepted the provisions of section twenty of chapter one hundred and six of the Revised Laws, whether such laborers, workmen or mechanics are employed by public authority or by a contractor or other private person.

To whom the act shall apply.

SECTION 4. Any agent or official of the Commonwealth or of any county, city or town who violates any provision of this act shall be subject to a penalty of fifty dollars for each offence.

Penalty.

SECTION 5. The provisions of this act shall not apply to or affect contractors or sub-contractors for work, contracts for which were entered into prior to the passage of this act.

Not to apply to certain persons.

SECTION 6. So much of any act as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 7. This act shall take effect upon its passage.

Approved June 22, 1906.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF THREE
AND ONE HALF MILLION DOLLARS.

Chap. 518

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say: —

State tax apportioned and assessed.

State tax
apportioned
and assessed.

Abington, twenty-nine hundred and forty dollars,	\$2,940 00
Acton, twenty-one hundred dollars,	2,100 00
Acushnet, seven hundred and thirty-five dollars,	735 00
Adams, sixty-five hundred and eighty dollars,	6,580 00
Agawam, seventeen hundred and fifty dollars,	1,750 00
Alford, two hundred and ten dollars,	210 00
Amesbury, sixty-one hundred and sixty dollars,	6,160 00
Amherst, thirty-nine hundred and ninety dollars,	3,990 00
Andover, sixty-eight hundred and sixty dollars,	6,860 00
Arlington, ten thousand five hundred and seventy dollars,	10,570 00
Ashburnham, eleven hundred and twenty dollars,	1,120 00
Ashby, seven hundred and seventy dollars,	770 00
Ashfield, six hundred and sixty-five dollars,	665 00
Ashland, ten hundred and eighty-five dollars,	1,085 00
Athol, forty-nine hundred and seventy dollars,	4,970 00
Attleborough, ninety-eight hundred and seventy dollars,	9,870 00
Auburn, nine hundred and forty-five dollars,	945 00
Avon, ten hundred and fifty dollars,	1,050 00
Ayer, eighteen hundred and fifty-five dollars,	1,855 00
Barnstable, fifty-four hundred and twenty-five dollars,	5,425 00
Barre, sixteen hundred and eighty dollars,	1,680 00
Becket, five hundred and sixty dollars,	560 00
Bedford, twelve hundred and ninety-five dollars,	1,295 00
Belchertown, ten hundred and fifteen dollars,	1,015 00
Bellingham, nine hundred and ten dollars,	910 00
Belmont, sixty-two hundred and sixty-five dollars,	6,265 00
Berkley, four hundred and ninety dollars,	490 00
Berlin, six hundred and thirty dollars,	630 00
Bernardston, four hundred and ninety dollars,	490 00
Beverly, twenty thousand seven hundred and fifty-five dollars,	20,755 00
Billerica, twenty-six hundred and sixty dollars,	2,660 00
Blackstone, twenty-nine hundred and forty dollars,	2,940 00
Blandford, four hundred and ninety dollars,	490 00
Bolton, five hundred and sixty dollars,	560 00
Boston, one million two hundred sixty thousand one hundred and seventy-five dollars,	1,260,175 00

		State tax apportioned and assessed.
Bourne, twenty-seven hundred and sixty-five dollars,	\$2,765 00	
Boxborough, two hundred and forty-five dollars,	245 00	
Boxford, ten hundred and eighty-five dollars,	1,085 00	
Boylston, five hundred and twenty-five dollars,	525 00	
Braintree, fifty-six hundred dollars,	5,600 00	
Brewster, six hundred and thirty dollars,	630 00	
Bridgewater, three thousand and eighty dollars,	3,080 00	
Brimfield, four hundred and fifty-five dollars,	455 00	
Brockton, thirty-four thousand eight hundred and ninety-five dollars,	34,895 00	
Brookfield, fifteen hundred and forty dollars,	1,540 00	
Brookline, ninety-eight thousand one hundred and seventy-five dollars,	98,175 00	
Buckland, seven hundred dollars,	700 00	
Burlington, five hundred and ninety-five dollars,	595 00	
Cambridge, one hundred thirteen thousand and eighty-five dollars,	113,085 00	
Canton, forty-three hundred and seventy-five dollars,	4,375 00	
Carlisle, four hundred and twenty dollars,	420 00	
Carver, fourteen hundred and thirty-five dollars,	1,435 00	
Charlemont, four hundred and fifty-five dollars,	455 00	
Charlton, fifteen hundred and five dollars,	1,505 00	
Chatham, eleven hundred and fifty-five dollars,	1,155 00	
Chelmsford, thirty-three hundred and ninety-five dollars,	3,395 00	
Chelsea, twenty-six thousand seven hundred and forty dollars,	26,740 00	
Cheshire, eight hundred and five dollars,	805 00	
Chester, seven hundred and thirty-five dollars,	735 00	
Chesterfield, three hundred and fifty dollars,	350 00	
Chicopee, eleven thousand four hundred and eighty dollars,	11,480 00	
Chilmark, two hundred and eighty dollars,	280 00	
Clarksburg, three hundred and fifty dollars,	350 00	
Clinton, nine thousand and thirty dollars,	9,030 00	
Cohasset, seventy-two hundred and eighty dollars,	7,280 00	
Colrain, seven hundred and seventy dollars,	770 00	
Concord, sixty-one hundred and ninety-five dollars,	6,195 00	
Conway, eight hundred and five dollars,	805 00	

State tax
apportioned
and assessed.

Cottage City, sixteen hundred and forty-five dollars,	\$1,645 00
Cummington, three hundred and fifty dollars,	350 00
Dalton, thirty-eight hundred and fifteen dollars,	3,815 00
Dana, four hundred and twenty dollars,	420 00
Danvers, six thousand and twenty dollars,	6,020 00
Dartmouth, thirty-three hundred and ninety-five dollars,	3,395 00
Dedham, eleven thousand six hundred and fifty-five dollars,	11,655 00
Deerfield, sixteen hundred and forty-five dollars,	1,645 00
Dennis, thirteen hundred and sixty-five dollars,	1,365 00
Dighton, ten hundred and fifty dollars,	1,050 00
Douglas, twelve hundred and sixty dollars,	1,260 00
Dover, eleven hundred and fifty-five dollars,	1,155 00
Dracut, twenty-three hundred and ten dollars,	2,310 00
Dudley, sixteen hundred and forty-five dollars,	1,645 00
Dunstable, three hundred and fifty dollars,	350 00
Duxbury, two thousand and sixty-five dollars,	2,065 00
East Bridgewater, two thousand and sixty-five dollars,	2,065 00
East Longmeadow, six hundred and thirty dollars,	630 00
Eastham, three hundred and eighty-five dollars,	385 00
Easthampton, forty-one hundred and thirty dollars,	4,130 00
Easton, fifty-eight hundred and ten dollars,	5,810 00
Edgartown, ten hundred and fifteen dollars,	1,015 00
Egremont, five hundred and twenty-five dollars,	525 00
Enfield, nine hundred and forty-five dollars,	945 00
Erving, six hundred and sixty-five dollars,	665 00
Essex, twelve hundred and sixty dollars,	1,260 00
Everett, twenty-two thousand seven hundred and fifty dollars,	22,750 00
Fairhaven, thirty-three hundred and sixty dollars,	3,360 00
Fall River, eighty-five thousand four hundred and thirty-five dollars,	85,435 00
Falmouth, eighty-six hundred and eighty dollars,	8,680 00
Fitchburg, twenty-eight thousand three hundred and eighty-five dollars,	28,385 00
Florida, one hundred and seventy-five dollars,	175 00
Foxborough, twenty-two hundred and five dollars,	2,205 00

		State tax apportioned and assessed.
Framingham, ten thousand eight hundred and eighty-five dollars,	\$10,885 00	
Franklin, thirty-nine hundred and fifty-five dollars,	3,955 00	
Freetown, nine hundred and eighty dollars,	980 00	
Gardner, seventy-three hundred and fifty dollars,	7,350 00	
Gay Head, thirty-five dollars,	35 00	
Georgetown, eleven hundred and twenty dollars,	1,120 00	
Gill, four hundred and ninety dollars,	490 00	
Gloucester, twenty-two thousand nine hundred and ninety-five dollars,	22,995 00	
Goshen, one hundred and seventy-five dollars,	175 00	
Gosnold, two hundred and forty-five dollars,	245 00	
Grafton, twenty-eight hundred dollars,	2,800 00	
Granby, five hundred and sixty dollars,	560 00	
Granville, four hundred and fifty-five dollars,	455 00	
Great Barrington, fifty-seven hundred and forty dollars,	5,740 00	
Greenfield, seventy-eight hundred and five dollars,	7,805 00	
Greenwich, two hundred and eighty dollars,	280 00	
Groton, thirty-four hundred and thirty dollars,	3,430 00	
Groveland, twelve hundred and twenty-five dollars,	1,225 00	
Hadley, twelve hundred and ninety-five dollars,	1,295 00	
Halifax, three hundred and fifty dollars,	350 00	
Hamilton, thirty-one hundred and fifty dollars,	3,150 00	
Hampden, four hundred and fifty-five dollars,	455 00	
Hancock, three hundred and fifteen dollars,	315 00	
Hanover, sixteen hundred and ten dollars,	1,610 00	
Hanson, eight hundred and forty dollars,	840 00	
Hardwick, eighteen hundred and fifty-five dollars,	1,855 00	
Harvard, twelve hundred and sixty dollars,	1,260 00	
Harwich, thirteen hundred and thirty dollars,	1,330 00	
Hatfield, fifteen hundred and five dollars,	1,505 00	
Haverhill, twenty-nine thousand nine hundred and ninety-five dollars,	29,995 00	
Hawley, one hundred and seventy-five dollars,	175 00	
Heath, one hundred and seventy-five dollars,	175 00	
Hingham, fifty-one hundred and forty-five dollars,	5,145 00	
Hinsdale, seven hundred and thirty-five dollars,	735 00	
Holbrook, sixteen hundred and forty-five dollars,	1,645 00	

State tax
apportioned
and assessed.

Holden, fifteen hundred and seventy-five dollars,	\$1,575 00
Holland, seventy dollars,	70 00
Holliston, seventeen hundred and eighty-five dollars,	1,785 00
Holyoke, forty-five thousand one hundred and eighty-five dollars,	45,185 00
Hopedale, fifty-three hundred and ninety dollars,	5,390 00
Hopkinton, nineteen hundred and twenty-five dollars,	1,925 00
Hubbardston, seven hundred and thirty-five dollars,	735 00
Hudson, thirty-nine hundred and twenty dollars,	3,920 00
Hull, forty-two hundred and thirty-five dollars,	4,235 00
Huntington, seven hundred dollars,	700 00
Hyde Park, twelve thousand eight hundred and eighty dollars,	12,880 00
Ipswich, forty-five hundred and fifty dollars,	4,550 00
Kingston, seventeen hundred and eighty-five dollars,	1,785 00
Lakeville, seven hundred dollars,	700 00
Lancaster, thirty-seven hundred and eighty dollars,	3,780 00
Lanesborough, five hundred and twenty-five dollars,	525 00
Lawrence, forty-seven thousand four hundred and ninety-five dollars,	47,495 00
Lee, twenty-two hundred and forty dollars,	2,240 00
Leicester, twenty-eight hundred dollars,	2,800 00
Lenox, forty-five hundred and fifty dollars,	4,550 00
Leominster, ten thousand three hundred and sixty dollars,	10,360 00
Leverett, three hundred and fifty dollars,	350 00
Lexington, sixty-five hundred and forty-five dollars,	6,545 00
Leyden, two hundred and forty-five dollars,	245 00
Lincoln, twenty-seven hundred and thirty dollars,	2,730 00
Littleton, ten hundred and eighty-five dollars,	1,085 00
Longmeadow, eleven hundred and fifty-five dollars,	1,155 00
Lowell, eighty-one thousand two hundred and seventy dollars,	81,270 00
Ludlow, twenty-five hundred and fifty-five dollars,	2,555 00
Lunenburg, ten hundred and fifteen dollars,	1,015 00

		State tax apportioned and assessed.
Lynn, sixty thousand six hundred and fifty-five dollars,	\$60,655 00	
Lynnfield, eight hundred and five dollars,	805 00	
Malden, thirty-four thousand six hundred and fifteen dollars,	34,615 00	
Manchester, eleven thousand nine hundred and seventy dollars,	11,970 00	
Mansfield, twenty-four hundred and fifteen dollars,	2,415 00	
Marblehead, seventy-seven hundred and seventy dollars,	7,770 00	
Marion, sixteen hundred and forty-five dollars,	1,645 00	
Marlborough, ten thousand seven hundred and ten dollars,	10,710 00	
Marshfield, eighteen hundred and twenty dollars,	1,820 00	
Mashpee, two hundred and ten dollars,	210 00	
Mattapoisett, eighteen hundred and ninety dollars,	1,890 00	
Maynard, thirty-six hundred and forty dollars,	3,640 00	
Medfield, seventeen hundred and fifty dollars,	1,750 00	
Medford, twenty-two thousand six hundred and eighty dollars,	22,680 00	
Medway, sixteen hundred and ten dollars,	1,610 00	
Melrose, sixteen thousand two hundred and seventy-five dollars,	16,275 00	
Mendon, seven hundred dollars,	700 00	
Merrimac, fourteen hundred and seventy dollars,	1,470 00	
Methuen, fifty-six hundred and thirty-five dollars,	5,635 00	
Middleborough, forty-nine hundred and thirty-five dollars,	4,935 00	
Middlefield, two hundred and ten dollars,	210 00	
Middleton, six hundred and sixty-five dollars,	665 00	
Milford, seventy-two hundred and ten dollars,	7,210 00	
Millbury, twenty-five hundred and fifty-five dollars,	2,555 00	
Millis, seven hundred and seventy dollars,	770 00	
Milton, twenty-four thousand five hundred and thirty-five dollars,	24,535 00	
Monroe, one hundred and seventy-five dollars,	175 00	
Monson, twenty-three hundred and forty-five dollars,	2,345 00	
Montague, forty-three hundred and forty dollars,	4,340 00	
Monterey, two hundred and eighty dollars,	280 00	
Montgomery, one hundred and forty dollars,	140 00	

State tax
apportioned
and assessed.

Mount Washington, one hundred and five dollars,	\$105 00
Nahant, seventy-one hundred and seventy-five dollars,	7,175 00
Nantucket, thirty-six hundred and forty dollars,	3,640 00
Natick, seventy-one hundred and forty dollars,	7,140 00
Needham, forty-four hundred and forty-five dollars,	4,445 00
New Ashford, seventy dollars,	70 00
New Bedford, sixty-nine thousand four hundred and seventy-five dollars,	69,475 00
New Braintree, four hundred and fifty-five dollars,	455 00
New Marlborough, six hundred and thirty dollars,	630 00
New Salem, three hundred and eighty-five dollars,	385 00
Newbury, thirteen hundred and sixty-five dollars,	1,365 00
Newburyport, twelve thousand three hundred and ninety dollars,	12,390 00
Newton, seventy thousand three hundred and fifty dollars,	70,350 00
Norfolk, seven hundred dollars,	700 00
North Adams, sixteen thousand five hundred and twenty dollars,	16,520 00
North Andover, fifty-seven hundred and forty dollars,	5,740 00
North Attleborough, forty-seven hundred and sixty dollars,	4,760 00
North Brookfield, eighteen hundred and ninety dollars,	1,890 00
North Reading, seven hundred and thirty-five dollars,	735 00
Northampton, fourteen thousand two hundred and ten dollars,	14,210 00
Northborough, fourteen hundred and seventy dollars,	1,470 00
Northbridge, fifty-three hundred and ninety dollars,	5,390 00
Northfield, fourteen hundred dollars,	1,400 00
Norton, eleven hundred and twenty dollars,	1,120 00
Norwell, thirteen hundred and sixty-five dollars,	1,365 00
Norwood, fifty-six hundred and seventy dollars,	5,670 00
Oakham, three hundred and eighty-five dollars,	385 00
Orange, four thousand and sixty dollars,	4,060 00

Orleans, seven hundred and thirty-five dollars,	\$735 00	State tax apportioned and assessed.
Otis, two hundred and eighty dollars,	280 00	
Oxford, nineteen hundred and twenty-five dol- lars,	1,925 00	
Palmer, thirty-seven hundred and ten dollars,	3,710 00	
Paxton, three hundred and fifteen dollars,	315 00	
Peabody, ninety-two hundred and forty dol- lars,	9,240 00	
Pelham, two hundred and forty-five dollars,	245 00	
Pembroke, nine hundred and forty-five dollars,	945 00	
Pepperell, twenty-four hundred and eighty- five dollars,	2,485 00	
Peru, one hundred and forty dollars,	140 00	
Petersham, seven hundred and seventy dollars,	770 00	
Phillipston, three hundred and fifteen dollars,	315 00	
Pittsfield, nineteen thousand three hundred and fifty-five dollars,	19,355 00	
Plainfield, two hundred and ten dollars,	210 00	
Plymouth, ten thousand three hundred and twenty-five dollars,	10,325 00	
Plympton, three hundred and eighty-five dol- lars,	385 00	
Prescott, two hundred and ten dollars,	210 00	
Princeton, nine hundred and eighty dollars,	980 00	
Provincetown, twenty-two hundred and sev- enty-five dollars,	2,275 00	
Quincy, twenty-five thousand two hundred and seventy dollars,	25,270 00	
Randolph, twenty-five hundred and fifty-five dollars,	2,555 00	
Raynham, nine hundred and forty-five dollars,	945 00	
Reading, fifty-one hundred and ten dollars,	5,110 00	
Rehoboth, nine hundred and ten dollars,	910 00	
Revere, twelve thousand three hundred and ninety dollars,	12,390 00	
Richmond, three hundred and eighty-five dol- lars,	385 00	
Rochester, five hundred and sixty dollars,	560 00	
Rockland, thirty-eight hundred and fifteen dollars,	3,815 00	
Rockport, thirty-two hundred and ninety dol- lars,	3,290 00	
Rowe, two hundred and ten dollars,	210 00	
Rowley, eight hundred and seventy-five dol- lars,	875 00	
Royalston, six hundred and sixty-five dollars,	665 00	
Russell, five hundred and sixty dollars,	560 00	
Rutland, seven hundred and seventy dollars,	770 00	

State tax
apportioned
and assessed.

Salem, thirty-three thousand three hundred and twenty dollars,	\$33,320 00
Salisbury, nine hundred and ten dollars,	910 00
Sandisfield, three hundred and fifty dollars,	350 00
Sandwich, ten hundred and eighty-five dollars,	1,085 00
Saugus, forty-five hundred and fifteen dollars,	4,515 00
Savoy, two hundred and ten dollars,	210 00
Scituate, thirty-four hundred and sixty-five dollars,	3,465 00
Seekonk, eleven hundred and twenty dollars,	1,120 00
Sharon, twenty-one hundred and thirty-five dollars,	2,135 00
Sheffield, ten hundred and eighty-five dollars,	1,085 00
Shelburne, ten hundred and fifty dollars,	1,050 00
Sherborn, nine hundred and ten dollars,	910 00
Shirley, ten hundred and fifty dollars,	1,050 00
Shrewsbury, fourteen hundred and seventy dollars,	1,470 00
Shutesbury, two hundred and ten dollars,	210 00
Somerset, twelve hundred and ninety-five dollars,	1,295 00
Somerville, sixty-one thousand six hundred dollars,	61,600 00
South Hadley, thirty-one hundred and eighty-five dollars,	3,185 00
Southampton, five hundred and sixty dollars,	560 00
Southborough, nineteen hundred and sixty dollars,	1,960 00
Southbridge, fifty-nine hundred and eighty-five dollars,	5,985 00
Southwick, five hundred and ninety-five dollars,	595 00
Spencer, forty-three hundred and seventy-five dollars,	4,375 00
Springfield, eighty-six thousand five hundred and ninety dollars,	86,590 00
Sterling, nine hundred and eighty dollars,	980 00
Stockbridge, thirty-eight hundred and eighty-five dollars,	3,885 00
Stoneham, fifty-five hundred and sixty-five dollars,	5,565 00
Stoughton, thirty-seven hundred and ten dollars,	3,710 00
Stow, eight hundred and seventy-five dollars,	875 00
Sturbridge, eleven hundred and twenty dollars,	1,120 00
Sudbury, thirteen hundred and thirty dollars,	1,330 00
Sunderland, five hundred and sixty dollars,	560 00
Sutton, fourteen hundred and thirty-five dollars,	1,435 00

		State tax apportioned and assessed.
Swampscott, ten thousand six hundred and seventy-five dollars,	\$10,675 00	
Swansea, fourteen hundred dollars,	1,400 00	
Taunton, twenty-five thousand five hundred and fifteen dollars,	25,515 00	
Templeton, eighteen hundred and twenty dollars,	1,820 00	
Tewksbury, nineteen hundred and sixty dollars,	1,960 00	
Tisbury, eleven hundred and fifty-five dollars,	1,155 00	
Tolland, one hundred and seventy-five dollars,	175 00	
Topsfield, eleven hundred and fifty-five dollars,	1,155 00	
Townsend, thirteen hundred and sixty-five dollars,	1,365 00	
Truro, four hundred and twenty dollars,	420 00	
Tyngsborough, five hundred and sixty dollars,	560 00	
Tyringham, two hundred and forty-five dollars,	245 00	
Upton, twelve hundred and sixty dollars,	1,260 00	
Uxbridge, three thousand and forty-five dollars,	3,045 00	
Wakefield, eighty-eight hundred and ninety dollars,	8,890 00	
Wales, three hundred and fifty dollars,	350 00	
Walpole, thirty-three hundred and twenty-five dollars,	3,325 00	
Waltham, twenty-four thousand two hundred and ninety dollars,	24,290 00	
Ware, fifty-two hundred and fifty dollars,	5,250 00	
Wareham, thirty-two hundred and fifty-five dollars,	3,255 00	
Warren, twenty-three hundred and ten dollars,	2,310 00	
Warwick, three hundred and fifty dollars,	350 00	
Washington, two hundred and eighty dollars,	280 00	
Watertown, thirteen thousand two hundred and thirty dollars,	13,230 00	
Wayland, two thousand and thirty dollars,	2,030 00	
Webster, seventy-three hundred and eighty-five dollars,	7,385 00	
Wellesley, eleven thousand six hundred and fifty-five dollars,	11,655 00	
Wellfleet, ten hundred and fifty dollars,	1,050 00	
Wendell, two hundred and eighty dollars,	280 00	
Wenham, thirty-six hundred and forty dollars,	3,640 00	
West Boylston, eight hundred and seventy-five dollars,	875 00	
West Bridgewater, twelve hundred and twenty-five dollars,	1,225 00	
West Brookfield, nine hundred and eighty dollars,	980 00	

State tax
apportioned
and assessed.

West Newbury, twelve hundred and twenty-five dollars,	\$1,225 00
West Springfield, sixty-four hundred and forty dollars,	6,440 00
West Stockbridge, four hundred and ninety dollars,	490 00
West Tisbury, four hundred and fifty-five dollars,	455 00
Westborough, thirty-two hundred and ninety dollars,	3,290 00
Westfield, ninety-nine hundred and forty dollars,	9,940 00
Westford, twenty-one hundred and thirty-five dollars,	2,135 00
Westhampton, two hundred and eighty dollars,	280 00
Westminster, eight hundred and seventy-five dollars,	875 00
Weston, sixty-seven hundred and fifty-five dollars,	6,755 00
Westport, eighteen hundred and ninety dollars,	1,890 00
Westwood, twenty-two hundred and five dollars,	2,205 00
Weymouth, seventy-eight hundred and forty dollars,	7,840 00
Whately, five hundred and twenty-five dollars,	525 00
Whitman, forty-three hundred and forty dollars,	4,340 00
Wilbraham, eleven hundred and twenty dollars,	1,120 00
Williamsburg, ten hundred and fifty dollars,	1,050 00
Williamstown, three thousand and eighty dollars,	3,080 00
Wilmington, twelve hundred and ninety-five dollars,	1,295 00
Winchendon, thirty-three hundred and sixty dollars,	3,360 00
Winchester, ten thousand nine hundred and fifty-five dollars,	10,955 00
Windsor, two hundred and forty-five dollars,	245 00
Winthrop, eighty-eight hundred and ninety dollars,	8,890 00
Woburn, twelve thousand one hundred and forty-five dollars,	12,145 00
Worcester, one hundred thirty-five thousand seven hundred and sixty-five dollars,	135,765 00
Worthington, three hundred and fifty dollars,	350 00
Wrentham, eighteen hundred and ninety dollars,	1,890 00
Yarmouth, twenty-one hundred dollars,	2,100 00

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of section thirty-four of chapter twelve of the Revised Laws, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Treasurer
to issue
warrant.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the fifteenth day of November in the year nineteen hundred and six, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of September in the year nineteen hundred and six.

Payment of
assessments.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during such delinquency from and after the fifteenth day of November in the year nineteen hundred and six; and if the same remains unpaid after the first day of December in the year nineteen hundred and six, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

Notice to
treasurer of
delinquent
cities and
towns.

SECTION 5. This act shall take effect upon its passage.

Approved June 22, 1906.

Chap.519 AN ACT RELATIVE TO THE PURCHASE OF LAND BY THE CITY OF WOBURN FOR CEMETERY PURPOSES.

Be it enacted, etc., as follows:

The city of Woburn to purchase land for cemetery purposes.

SECTION 1. The city of Woburn is hereby authorized to use for the purchase of land for cemetery purposes ten thousand dollars of the general cemetery fund, now held under the provisions of chapter one hundred and nine of the acts of the year eighteen hundred and eighty-four and acts in amendment thereof.

SECTION 2. This act shall take effect upon its passage.

Approved June 22, 1906.

Chap.520 AN ACT TO AUTHORIZE THE BOSTON ELEVATED RAILWAY COMPANY TO CONSTRUCT A SUBWAY OR SUBWAYS IN THE CITY OF CAMBRIDGE AND TO PROVIDE FOR CONNECTION THEREOF WITH THE RAILWAY SYSTEM IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

The Boston Elevated Railway Company may construct certain subways in Cambridge, etc.

SECTION 1. The Boston Elevated Railway Company, hereinafter called the company, which term shall be deemed to include its successors and assigns but shall not include any construction company, may construct in the city of Cambridge, hereinafter called the city, under the supervision of the board of railroad commissioners, hereinafter called the board, to the extent hereinafter provided, a subway or subways, hereinafter called the Main street subway, of sufficient size for two railway tracks, and adapted to the running of elevated railway trains and surface cars therein, with approaches, entrances, sidings, stations, inclines, cuts, loops, connections and other suitable appurtenances therefor, all hereinafter called appurtenances (which term shall not include terminals), between such point or points in Main street at or near the westerly abutment of Cambridge bridge, or in, or in the vicinity of, Kendall square, as may be suitable for connection with elevated railway and surface railway tracks, in and under Main street, Massachusetts avenue, including Quincy square, Harvard square, Brattle street and Brattle square, and thence westerly by suitable inclines and approaches to a connection with surface tracks in Mount Auburn street at or near Story street; and, at its option, from Brattle square to and under Eliot square and Eliot street at or

near Murray street, and thence by suitable inclines and approaches to a connection with surface tracks and terminals; and from Harvard square northerly in and under Massachusetts avenue, and thence by suitable inclines and approaches to and through the westerly portion of the two small commons situated between Massachusetts avenue and Peabody street to a connection with surface tracks in Massachusetts avenue; leaving unoccupied sufficient space beneath the surface of Harvard square for a terminal station for the Cambridge street subway hereinafter referred to; and may operate and maintain the same for the running of railway trains and surface cars and other incidental uses in connection therewith. The city may, and upon request of the company shall, discontinue that part of the highway which lies between the two small commons.

City may discontinue part of a certain highway.

SECTION 2. Upon the acceptance of this act by the company, as hereinafter provided, the company may enter upon any lands, so far as may be necessary to make preliminary investigations, surveys and plans, and may place and maintain marks therein, make borings and excavations, and do all other acts necessary for such investigations and surveys.

Company may enter upon lands, etc.

SECTION 3. The company shall not begin the work of construction of the Main street subway until it has filed in the office of the city engineer, within twelve months after its acceptance of this act, a plan showing the proposed route or location thereof and the general form and method of construction, with the location of proposed tracks and stations and approaches; nor until such plan shall have been submitted to the mayor for approval. Any such plan may be amended or altered at any time by a new plan. After thirty days from the filing thereof and whether the mayor has or has not approved such plan, the company shall apply to the board, which, after such notice and hearing as it deems proper, shall approve such plan or alter the same in such manner as it may deem necessary. The city may employ a competent engineer at the expense of the company with whom to consult in reference to such plan and the construction of the subway or subways herein authorized. The company shall not begin the work of construction of any subway under or across the Grand Junction branch of the Boston and Albany railroad until the grade and elevation of such subway at such crossing shall have been approved by the board, after due hearing.

Not to begin work until plan is filed, etc.

City may employ an engineer, etc.

Company may
take certain
lands, etc.

SECTION 4. The company may take by purchase or otherwise for the subway purposes of this act, outside the limits of public ways, parks or other public lands, any lands in fee, including the buildings thereon, and any easements or limited estates or rights in lands, including the right to go under or above the surface thereof or through or under buildings or parts of buildings thereon, which it may deem necessary therefor; and any taking under this act in fee or otherwise may be made whether the lands taken or affected are held by title derived under eminent domain or otherwise. A taking or purchase of an easement or limited estate or right in a given parcel of real estate, whether such parcel consists of unimproved land or of land and buildings, may be confined to a part or section of such parcel, fixed by planes of division or otherwise, below, above or at the surface of the soil, and in such case no taking need be made of other parts or sections thereof except of such easements therein, if any, as the company may deem necessary. Except as otherwise provided herein, the company may locate and construct the subways herein provided for and their appurtenances wherever it deems best within the limits herein prescribed, or, for the purpose of obtaining the most advantageous alignments, curves and grades, with the approval of the board, in and under other public or private lands adjacent or near to the routes herein defined. For the purposes of this act and within the limits herein prescribed, public ways and parks and the lands over which the same are laid out, or other public lands, may be used without compensation for such use, with the same rights and immunities as the public would have in making the same use thereof.

May locate
and construct
subways, etc.

May take lands
to make con-
nections, etc.

SECTION 5. The company may take by purchase or otherwise such lands in fee or such easements or rights in lands as may be necessary or desirable to effect such connection or junction as it may deem suitable between the subway or subways constructed under this act and any elevated or surface railway tracks: *provided, however*, that the method of any such connection or junction which would exclude other public travel from any public way or parkway or part thereof, except at the terminal points of the subway or subways, shall be subject to the approval of the board.

Proviso.

May take
lands for
terminals or

SECTION 6. At any time before or after the completion of any subway or subways constructed under this act, the

company may purchase or may take, in the manner prescribed by this act for the taking of lands for its subway purposes, any lands in fee with the buildings thereon, or easements or limited estates or rights in land, necessary or convenient for terminals or for station purposes or for any alterations approved by the board in the subways or their appurtenances aforesaid. For all purposes of the construction, connection, equipment, maintenance and operation of such subways and their appurtenances, so far as may be necessary therefor, the company shall have and may exercise any powers conferred upon it by this act and by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred of the acts of the year eighteen hundred and ninety-seven.

station purposes, etc.

May exercise certain powers, etc.

SECTION 7. To make any taking for subway purposes by right of eminent domain the company shall cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description of the lands, easements, estates or rights taken, as certain as is required in a common conveyance of land, with a statement that the same are taken for subway purposes under the authority of this act, signed by a majority of its directors; and the lands, easements, estates or rights so described shall thereupon be taken for such purposes. The company shall at the same time give notice of such taking to the owner of the property taken, if known, but want of such notice shall not affect the validity of the taking, nor extend the time for proceedings for damages.

Proceedings in taking land, etc., by right of eminent domain.

SECTION 8. The company shall pay all damages to or for property taken or injured by it in any work done in or in connection with any subway construction under authority of this act, except that no damages shall be payable in respect of the use of public ways or parks or the lands over which the same are laid out, or other public lands, and may agree with any owner of such property upon the amount to be paid as compensation or damages therefor; and if the parties do not agree the same may be determined by a jury in the superior court for the county of Middlesex on petition of such owner against the company, filed in the clerk's office before the expiration of two years from the time when work done under the authority of this act is actually begun in front of any property affected thereby, or from the time of the injury to any property;

Damages.

Certain provisions of law to apply.

and judgment shall be entered upon the verdict of such jury, and costs shall be taxed and execution issued in favor of the prevailing party as in other civil cases. The provisions of sections seventeen to twenty-five, inclusive, of chapter forty-eight of the Revised Laws, relating to procedure in case of damage to estates in which several parties have different or several interests, shall apply to proceedings in such cases under this act. The company shall indemnify the city against all liability for damages arising out of the work herein provided for, upon notice of any claim therefor and opportunity to defend against the same.

Company may sell certain property, etc.

SECTION 9. Whenever any lands or other property of the company acquired for subway purposes under this act cease to be needed for such purposes, the company may sell the same, and may at any time sell or remove any buildings thereon; or it may lease any such lands, buildings or interests in lands or other property; and may sell any surplus materials from excavations. The proceeds of such sales and leases, and the fair valuation of such lands or other property not sold, as agreed upon by the city and the company, or in case of disagreement as determined by the board, shall be deducted from the cost to be paid by the city as hereinafter provided.

The mayor may order the removal or relocation of tracks, etc.

SECTION 10. The mayor may, and upon the written request of the company shall, order the temporary or permanent removal or relocation of any surface tracks other than the tracks of a steam railroad, or of any conduits, pipes, wires, poles or other property of any person or corporation except the city or the company, which the company deems to interfere with the construction or operation of the subway or subways constructed under this act, and at the same time the city shall grant new locations for any such structures previously having locations. Such order of the mayor, to the extent specified therein, shall be deemed a revocation of the former right or license to maintain such surface tracks, conduits, wires, pipes, poles or other property, and the owner of any such structures in public ways or lands shall comply with such order without expense to the company. If the owner shall fail to comply with such order within a reasonable time to be fixed therein, the company may remove such surface tracks, conduits, pipes, wires, poles or other property, and may relocate and reconstruct the same, and the cost of such removal, reloca-

tion and reconstruction shall be repaid to the company by the owner: *provided, however*, that the removal, relocation and reconstruction of gas pipes and telephone or electric lighting conduits or cables shall be done by the company, the owner paying for any new material required in place of the old, and the cost of the work, so far as it forms part of the cost of any subway, shall be repaid by the owner to the city upon purchase of such subway by the city under section twenty-eight hereof, with such interest, if any, as the city may thereby be required to pay the company thereon. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. The removal and relocation of any property of the Commonwealth shall be subject to the approval of the public authorities having charge thereof, or of the board, and at the expense of the company. Any gas or electric lighting company may shut off the gas or current from any pipes or wires affected by any action done hereunder, when and so far as may be necessary to avoid the escape or explosion of gas or other public danger. Temporary locations shall be granted, on request of the company, for any surface tracks owned or operated by it; and as soon as the state of the work permits the company may restore the same to the original locations as nearly as may be. The company may remove any poles, wires, pipes, conduits, sewers, drains or other structures of the city, so far as the work may require, on condition that the same shall be replaced at the expense of the company in a condition, so far as may be, as serviceable as their condition before such removal, using such new material as may be necessary, and in such place and manner as the duly authorized city officers shall direct or approve.

Proviso.

Temporary locations, etc.

SECTION 11. Whenever the company shall make an excavation in any public way or park or other public lands, it shall be upon condition that, if so directed by the mayor, it shall deliver such part of the surplus materials taken from such excavation as it does not sell, at such point or points in the city as he may direct, within two miles from the place of such excavation, which materials may be conveyed upon street railway tracks on locations then existing or temporary locations which the city upon request of the company shall grant therefor. The company shall comply with all rules, regulations and ordinances of the city relating to obstruction or excavation of any ways or

Company to deliver certain surplus materials to the city, etc.

Compliance with certain rules and regulations, etc.

public lands, so far as the same are reasonably applicable to the work in the opinion of the board, and shall at its own expense restore the surface thereof as soon as practicable to a condition as good as its former condition.

Public ways to be kept open for travel, etc.

SECTION 12. All subway work done under this act in or under any public way in the city shall be conducted, so far as practicable, in such manner as to leave such way, or a reasonable part thereof, open for travel between the hours of seven in the forenoon and six in the afternoon of each secular day, except public holidays: *provided, however*, that any such way may, if the company deems necessary, be closed to public travel for distances not exceeding one third of a mile each along the line of construction.

Proviso.

Location of stations, etc.

SECTION 13. Subject to the approval of the mayor, the company may locate subway stations at convenient points, with suitable exits and approaches to and from the streets and such stations; but exits and approaches, except platforms and approaches thereto from buildings, shall not be located in any street less than sixty feet in width.

Determination of certain questions.

SECTION 14. The company shall be entitled to written notice of the proposed determination by the city, or by any officer thereof, of any question arising in the course of the subway work herein provided for, which it or he is authorized by this act to determine, and to confer with the city or such officer thereon; and if such determination when made is not satisfactory to the company, it may within seven days after receiving written notice thereof, to be given after such determination, apply to the board for a revision thereof, and thereupon the board may consider and finally determine such question.

Placing of wires in subways.

SECTION 15. Any person or corporation using or authorized to use wires along the route of such subway or subways may place the same therein, in such manner and upon such terms, as to compensation and otherwise, as may be agreed upon with the company; except that no contract therefor shall extend beyond the period of twenty years from the opening for use of the subway to which it relates, or beyond the purchase thereof by the city as hereinafter provided.

Copies of bills, etc., to be filed with city auditor.

SECTION 16. The company shall file with the auditor of accounts of the city correct copies of all bills or accounts of the cost of construction of the subway or subways herein provided for, and also all sums credited, as the work proceeds.

SECTION 17. Upon completion of any subway herein provided for, and before the same shall be opened for public use, it shall be examined by the board, and if it appears that all laws relating to its construction have been complied with and that the subway is in safe condition for operation the board shall give to the company a certificate to that effect, which shall be filed in the office of the secretary of the Commonwealth; and thereupon the company shall be authorized to open such subway for public use.

Subways to be examined, etc.

SECTION 18. At any time within four years after the opening for use of the Main street subway, the company may begin construction in the city of a subway or subways to be called the River street subway, of sufficient size for two railway tracks and adapted to the running of elevated railway trains and surface cars therein, with suitable appurtenances therefor, as defined in section one of this act, from a point in the Main street subway at or near the junction of Massachusetts avenue, formerly called Main street, and River street or Central square; thence to, in and under River street to the northerly line of Putnam avenue, or to a point at or near the northerly abutment of the Cambridge street bridge, in that part of Boston called Brighton, or to any other point between said northerly line of Putnam avenue and the northerly abutment of said bridge, there to connect with elevated railway or surface railway tracks, in such manner, not obstructing travel in any park or parkway, as the company may determine; and when built may maintain and operate the same for the running of elevated railway trains and surface cars and other incidental uses in connection therewith.

Construction of River street subway, etc.

SECTION 19. At any time within four years after the opening for use of the Main street subway, the company may begin construction in the city of a like subway or subways, to be called the Cambridge street subway, with like appurtenances, between a point in Cambridge street in the vicinity of Lechmere square, or in Bridge street, or in or easterly of Lechmere square, or in private lands adjacent or near to such streets or square, convenient for connection by a suitable incline between such subway and the elevated railway which the company may construct upon the location described in section twenty-one of this act, in and under such private lands, Bridge street, Lechmere square, Cambridge street, Peabody street, and any intervening ways or lands, and Harvard square; and may

— Cambridge street subway, etc.

also begin construction of a like subway, to be called the Webster avenue subway, with like appurtenances, from Cambridge street in and under Webster avenue to a suitable connection with elevated railway or surface railway tracks in Cambridge or Somerville, at or as near as practicable to the line between said cities; and when built may maintain and operate the same for the running of elevated railway trains and surface cars and other incidental uses in connection therewith. The city, at the request and expense of the company, shall widen such part of Cambridge street or Bridge street, or both, to such extent as the company may deem necessary to permit the construction of the subway or open cut therein, or to permit suitable connection between the company's elevated railway structure and surface railway tracks in such streets and square. The space available for public surface travel in such streets and square shall not be diminished so far as to interfere substantially with such travel. All expenses of any street widening required to obviate such interference shall be borne by the company. Said cities or either of them may, and at the request and expense of the company shall, widen Webster avenue, so far as the company may deem necessary for the work herein provided for. If the company shall not have begun to construct the Cambridge street subway within four years after the opening for use of the Main street subway, the city shall have the right, and is hereby authorized, to construct the same provided it begins such construction within one year after the expiration of such four years. If the city constructs such subway, it shall have the same rights therein as in case of purchase thereof under this act. Nothing in this act shall be deemed to require the company to construct the River street, Cambridge street or Webster avenue subways or either of them, but the construction of the River street and Webster avenue subways, if built, shall be completed within two years, and of the Cambridge street subway, if built by the company, within four years, after the beginning of the construction thereof.

Terms, conditions, etc., under which subways may be constructed.

SECTION 20. Any and all of such subways shall be constructed upon and under the same terms, conditions and provisions, except as to time of construction, and with the same rights, powers and privileges in the construction, maintenance and operation thereof, which rights, powers and privileges are hereby conferred for such purpose, and

shall be held by the company by and upon the same tenure and with the same rights, privileges and immunities as are herein provided for and concerning the Main street subway, and subject to the right of purchase by the city as hereinafter conferred.

SECTION 21. Within six months after its acceptance of this act the company shall apply for an elevated railway route in the cities of Cambridge and Boston, over its locations heretofore granted or locations hereby granted, between a point in or easterly of Lechmere square, in Cambridge, thence in and over said square and Bridge street, or private lands adjacent or near thereto, and over that part of the lands owned or leased by the Boston and Maine Railroad contiguous to Bridge street and over Prison Point street: *provided, however*, that the elevated railway ap-
Elevated railway route in Cambridge and Boston, etc.
Proviso.
approaching and over such railroad lands shall be so constructed as to afford clear head-room of not less than fourteen feet; thence to and over the approaches to, if necessary, and the down-stream slope and the waterway of the new Charles river dam now under construction in place of the old Craigie bridge, such location over the dam and its approaches to be a substitute for, and to be held by the same tenure as, the location on the bridge under chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, to and over the approaches to such dam in Boston, if necessary, thence by locations existing in Leverett street, Brighton street, Lowell street and Causeway street under the provisions of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred of the acts of the year eighteen hundred and ninety-seven to such point in Causeway street as shall be, in the opinion of the board, suitable for connection with the existing subway and any additions thereto, and with the Washington street tunnel now under construction, and with its existing elevated lines, or, for the purpose of avoiding sharp or unsuitable curves, in and over such other intervening public or private ways or lands as the mayor and aldermen, under the power to vary or alter locations conferred by said chapter five hundred and forty-eight, or the board, may approve; thence, by such connections as shall be approved by the board, to said subway or additions and said Washington street tunnel and said existing elevated lines; or, as an alternative to that part

Limit of time
for beginning
construction,
etc.

Connections.

The Charles
river basin
commission to
approve design
for elevated
structure, etc.

of the route between the dam or its approaches and Brighton street or Leverett street, to and over that part of the lands owned or leased by said railroad corporation in Boston contiguous to Leverett street, there providing for the same head-room as aforesaid. Nothing in this act shall be deemed to authorize an elevated railway in any part of Leverett street between Brighton and Causeway streets. The company shall begin construction of its elevated railway upon and over such route within six months, and shall complete the same within three and one half years, after it is authorized to begin construction thereof. The company is hereby authorized to make connection by a suitable incline between its elevated railway structure and surface railway tracks in Cambridge street, in the vicinity of Lechmere square, Bridge street, or in or easterly of Lechmere square, in Cambridge, or in and upon private lands adjacent or near to such streets and square, which the company may take or purchase for such purpose, which may also be used, so far as the same are available, for purposes of the subway provided for in section nineteen of this act, if built. The design of so much of the elevated railway structure as passes over the downstream slope of the new dam, in respect of its architectural features, shall be submitted to the Charles river basin commission for its approval, subject to an appeal by the company to the board, which shall finally determine the question. The method of attachment of the elevated railway structure to the dam shall be subject to approval by said commission. The procedure prescribed by section thirteen of said chapter five hundred in respect of the application for and approval of the route shall apply, so far as such approval is required, to the routes designated in this section and in section twenty-three of this act. In the construction, maintenance and operation of the elevated railways provided for by this section and by said section twenty-three the company shall have the rights, powers and privileges and be subject to the duties, restrictions and liabilities prescribed in respect of its elevated lines and structures by sections three, seven to nine inclusive, eleven, twelve, fifteen and eighteen of said chapter five hundred and forty-eight, and sections one, two, six, eight to ten inclusive, twenty and twenty-one of said chapter five hundred; and such railways when constructed, and their locations, shall be held by the company by and

upon the tenure prescribed in the first clause of section nineteen of said chapter five hundred, ending with the words "Public Statutes", and with the same rights, privileges and immunities therein as are provided in either of said acts in respect of its elevated lines or structures. The construction of any elevated railway upon any location mentioned in this section or in said section twenty-three shall not be taken to extend the time within which the company may construct elevated railways upon any other locations, but its other locations shall continue to be held by the company by and upon the tenure prescribed by said section nineteen of said chapter five hundred, subject however to the provisions of section thirty of this act.

1897, 500, § 12,
to govern the
holding of cer-
tain locations.

SECTION 22. The location and construction of the elevated railway structure near to and over the railroad lands contiguous to Bridge and Leverett streets, as above provided, shall be such as the company and said railroad corporation may agree upon, or in case of difference as the board may determine; but no lands now owned or leased by the Boston and Maine Railroad shall be taken for the purposes of this act, or used except as herein expressly provided; and any damage sustained by reason of such use shall be estimated and recovered in the manner provided by section seven of chapter five hundred of the acts of the year eighteen hundred and ninety-seven. Upon any application to the mayor and aldermen for the approval of a route, or a location for any elevated railway structure, tracks or stations in that part of Causeway street opposite the railroad stations now owned or leased by the Boston and Maine Railroad, or in the vicinity of the railroad lands situated on Lowell or Brighton streets, the mayor and aldermen shall give public notice and a hearing, and in any and all proceedings before the mayor and aldermen or the board for the approval of a route, or a location for any elevated structure, tracks or stations in or near to the parts of Causeway, Lowell or Brighton streets, above designated, said railroad corporation shall be deemed a party in interest entitled to be heard. Said railroad corporation may apply to the board for a revision of any action of the mayor and aldermen in the nature of an approval of any such route or location within thirty days after the date thereof; and in case any such application is made to the board by said railroad corporation, or in case any application authorized by law is made by the company to the

Location and
construction
of elevated
structure con-
tiguous to
Bridge and
Leverett
streets, etc.

board for the approval of a route or location which the mayor and aldermen have refused or failed to approve, the board, having in view all public interests, shall, after public notice and hearing, finally fix and determine such route or location.

1897, 500, § 15,
amended.

Routes over
which new
subway may
be constructed,
etc.

SECTION 23. Section fifteen of chapter five hundred of the acts of the year eighteen hundred and ninety-seven is hereby so far amended, that the company shall not erect any elevated structure upon its elevated railway location over the new Cambridge bridge, except so far as may be necessary or convenient to make a suitable connection at the easterly terminus thereof with its elevated railway structure, if any, on the location hereinafter described, and its tenure thereof or other rights shall not be impaired by omission so to do; nor shall it be required to apply for the elevated railway route between Boston and Cambridge, described in said section fifteen, within six months after the time when such bridge is finished, nor to construct its elevated railway thereon; but in lieu thereof it is hereby authorized and required to construct and complete its elevated railway, within the time allowed for completion of the Main street subway herein provided for, upon and over one of the routes in the city of Boston here designated, namely: (1) between Scollay square and North Russell street, or the westerly terminus of the subway authorized by section five of said chapter five hundred if extended nearer to Charles river than said street, in and through such subway if built, and thence, if such subway is not extended to such new bridge, upon and over its location granted by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, in and through Cambridge street and Charles street and in and over any intervening public or private ways or lands to such new bridge; or, (2) between the Park street subway station and a point between Pinckney and Cambridge streets or in Cambridge street or at or near such new bridge, in and through a tunnel for two railway tracks adapted to the use of elevated railway trains and surface cars, with suitable appurtenances and terminals, which the Boston transit commission is hereby authorized to construct, upon the request of the company as hereinafter provided, upon such route as the commission may determine, in and under any public or private ways or lands

between such points; and thence, if such tunnel is not extended to such new bridge, upon and over a location hereby granted in, through and over such street or streets or other public or private lands as the company may deem suitable for such route, to such new bridge, or to Cambridge street and thence over the location (1) aforesaid to such new bridge; and, from the westerly terminus of either route, upon its location across such new bridge and in Main street in Cambridge to a connection with the Main street subway.

Within six months after its acceptance of this act the company shall request the commission to construct such subway or such tunnel, and the commission shall thereupon determine which of such structures shall be constructed, and shall give the company written notice of such determination; and if the company is dissatisfied therewith, it may within thirty days after such notice apply to the board for a revision thereof, and thereupon the board may consider and finally determine the question; and the commission shall proceed, as soon as may be, with the work of construction.

Commission to determine which route shall be constructed, etc.

If the subway hereinabove referred to is constructed, it shall be constructed, except as otherwise expressly provided herein, in the manner and under the terms and conditions prescribed by said section five of said chapter five hundred.

1897, 500, § 5, to govern, etc.

If the tunnel hereinabove described is constructed, it shall, except as otherwise expressly provided herein, be constructed and paid for upon and under the same terms, conditions and provisions, so far as the same are applicable, and with the same rights, powers and privileges in respect of the construction thereof, which rights, powers and privileges are hereby conferred for such purpose upon the commission, the board, the city of Boston and its treasurer, the company, and other public officers or parties in interest respectively, including any persons sustaining damages by the taking of or injury to property by the commission under authority hereof, as are prescribed by chapter five hundred and thirty-four of the acts of the year nineteen hundred and two for construction of the tunnel therein provided for; including the rights and powers conferred by section thirteen of said act, which section shall also apply to the location of the tunnel and to

Terms of payment for construction, etc.

the construction of the subway referred to in this section if that is constructed.

Commission may take, etc., lands, for widening ways, etc.

If the construction of the subway or tunnel upon the route determined upon requires such a permanent cut in any street as to necessitate the widening thereof, or if the construction in connection with the subway or tunnel of an incline from the elevated railway structure to the surface in any street necessitates the widening thereof, the commission may take or purchase lands for such necessary widening, which shall not exceed thirty feet on each side nor extend less than thirty nor more than one hundred feet beyond the ends of such open cut or incline, and may construct a highway thereon; and the cost thereof, including all compensation or damages for property taken or purchased therefor, shall be repaid by the company to the city of Boston, with interest at four per cent per annum from the time of expenditure to the time of repayment.

Tunnel construction, etc.

Any tunnel construction under or within one hundred feet from Boston common shall be, so far as practicable, water-tight, and the work shall so be done as to avoid the draining of moisture from the surrounding soil or other injury to trees. No additional structures shall be placed above the surface of the common, but in connection with the construction of the tunnel the commission may enlarge, by not more than one third, the width of the existing entrances to and exits from the Park street subway station, and the cost thereof shall be deemed and treated as part of the cost of the tunnel.

Company may contract for exclusive use of subway, etc.

Upon or before completion of the work the commission shall execute with the company, in the name of the city of Boston, a contract for the sole and exclusive use of the subway or tunnel and its appurtenances and terminals by the company, for the running of its elevated trains and surface cars therein and for other purposes, for a term of not less than twenty years from its opening for use, at an annual rental equal to four and seven eighths per cent of its net cost, including therein interest at four per cent per annum on the debt incurred in construction prior to the beginning of the use, and containing in substance the additional car tolls compensation clause, and the provisions relating to the city's police and fire-alarm wires and apparatus, of the subway lease dated December seventh, eighteen hundred and ninety-six, and such other provisions and conditions, following the form of the lease of

the Washington street tunnel dated September twenty-fifth, nineteen hundred and two, so far as the same are applicable, as the commission and the company may agree upon, or in case of difference as the board may determine.

SECTION 24. The company may from time to time, subject to the approval of the board, in the manner and subject to the requirements prescribed by law, issue and dispose of such additional amounts of its capital stock or bonds, or of either at its option, as may be necessary to meet and pay the cost of construction, connection and equipment for use and operation of the subway or subways and elevated railways which it is authorized by this act to construct, and their appurtenances and terminals, the cost of acquisition of any land or lands, and all other expenditures made or incurred by the company under authority of this act. If either of the subways herein authorized is acquired by the city as herein provided, the amount received by the company therefor shall be applied, with the approval of the board given after public hearing, to the purchase or payment and cancellation of obligations of the company; or with like approval to the purchase and cancellation of shares or other reduction of its capital stock, or with like approval to any purposes for which said board might approve the issue of new capital stock or bonds.

Issue of capital stock or bonds, etc.

SECTION 25. The provisions of the compensation clause of section ten of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, shall include the additional track mileage of the company constructed under this act, for the purpose of the distribution of the tax thereby imposed.

Additional track mileage, etc.

SECTION 26. The subway or subways constructed by the company under this act with their appurtenances and equipment, shall be, and be considered, for the purposes of regulation by the board and for the purposes of section four of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four as now amended, a part of the elevated railway of the company. No taxes or excises not in fact imposed upon street railways at the time of the passage of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, nor any other burden, duty or obligation which is not at the same time imposed by general law on all street railway companies, shall be imposed upon or in respect of

Subways to be considered part of elevated railway, etc.

Proviso.

such subway or subways or their appurtenances or equipment during the period of twenty-five years after the passage of said chapter five hundred: *provided, however*, that the company shall continue to be annually assessed and to pay taxes then or thereafter imposed by general law in the same manner as though it were a street railway company, as provided in section ten of said act, and to pay the compensation tax imposed by said section ten; and such subway or subways and their appurtenances, equipment and locations and the right to maintain the same shall be held by the company by and upon the same tenure and with the same rights, privileges and immunities therein as are provided in respect of its elevated lines and structures by said chapter five hundred, and shall never be taken or purchased from the company, unless by its consent, except in the manner and on the terms prescribed in sections six and seven of chapter one hundred and eleven of the Revised Laws, or under the right of purchase conferred upon the city by section twenty-eight of this act.

Rights, privileges, etc.

SECTION 27. In respect to the equipment, use and operation of the railways to be constructed in such subway or subways, and transportation thereon, the company shall have all the rights, privileges and immunities and be subject to all the duties, liabilities and restrictions set forth in general or special laws now in force applicable to it, or in laws hereafter enacted applicable to it so far as the same do not impair its rights, privileges or immunities, acquired under any statute or otherwise.

City may purchase property, etc.

SECTION 28. At any time after the expiration of twenty years from the opening for use of the Main street subway, or at any earlier time by agreement with the company, and upon the payment to it by the city of such an amount as will reimburse the company the original cost of the Main street subway and the River street subway, if the latter is then built or begun, and their appurtenances and equipment, which shall not include rolling stock, together with the cost of all additions or alterations lawfully made thereto or therein, with simple interest at seven per cent per year on the cost paid in by its stockholders, to be computed from the time of such payment by the stockholders (but not prior to the opening for use), to the time of the purchase, in addition to interest at three and one fourth per cent per year on all sums expended in construction from the time of their expenditure to the time of the opening for use,

deducting, however, from such interest any and all dividends declared and paid after such opening for use upon any stock issued therefor, but without interest on such dividends, and also deducting from the purchase price such other amounts accruing from property acquired for such two subways as are provided for by section nine of this act, the title to such two subways and their appurtenances and equipment as aforesaid and additions thereto, and all rights and interests therein, shall vest exclusively in the city. This right of purchase of the city shall be in addition to the right of the commonwealth under sections six and seven of chapter one hundred and eleven of the Revised Laws, but shall not otherwise affect any rights of the commonwealth. Upon such purchase the city shall have, hold and enjoy in its private or proprietary capacity, as its own property, the subway or subways and their appurtenances and additions so acquired, and all rents, tolls, income and profits derived therefrom, and the same shall never be taken by the commonwealth except upon payment of just compensation therefor: *provided, however,* that so Proviso. much of such rents, tolls, income and profits as may be necessary therefor shall be paid into the respective sinking funds for the redemption of any bonds which shall be issued by the city for such purchase and shall be used for the payment of interest thereon. At any time after the expiration of twenty years from the opening for use of the Main street subway, or at any earlier time by agreement with the company, the city may purchase the Cambridge street subway, if then built or begun, and the Webster avenue subway, if then built or begun, and their appurtenances and equipment as aforesaid, and shall purchase both if either, upon the same terms, conditions and provisions and with the same effect as is hereinabove provided for and concerning its purchase of the Main street subway.

SECTION 29. For the purpose of meeting the requirements of sections nineteen and twenty-eight of this act, the city may issue from time to time notes, bonds or scrip, in excess of the tax limit prescribed by law, designated on the face thereof Cambridge Subway Loan, to an amount not exceeding the sums required under this act, and shall use the proceeds of the same for such purpose. Cambridge
Subway Loan.

SECTION 30. Upon acceptance of this act by the company, the elevated railway locations within the city of Certain
locations
revoked upon

acceptance of
this act, etc.

Cambridge granted to the company by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred of the acts of the year eighteen hundred and ninety-seven, shall be revoked, except the locations following, which shall not be revocable, except as provided in the first clause of section nineteen of said chapter five hundred, ending with the words "Public Statutes", so long as the company has the right under the provisions of this act to complete the respective subways in Cambridge connecting therewith, namely: — its location from the Cambridge line upon and over the new Cambridge bridge and its approaches and Main street, to the most westerly point at which the Main street subway may terminate at its easterly end under the provisions of section one hereof; its location from the Cambridge line upon and over Cambridge street bridge or a new bridge and River street, to the most northeasterly point at which the River street subway may terminate at its southwesterly end under the provisions of section eighteen hereof; its location from the Cambridge line upon and over the down-stream slope and waterway of the new Charles river dam and its approaches and thence westerly over the route described in section twenty-one of this act to the most westerly point at which the Cambridge street subway may terminate at its easterly end under the provisions of section nineteen of this act, which shall be deemed a substitute for the corresponding location granted by said chapter five hundred and forty-eight; and its location upon and over Webster avenue from the Cambridge line to the most southerly point at which the Webster avenue subway may terminate at its northerly end under the provisions of said section nineteen. The locations so revoked shall be of no further force or effect, and the company shall not without further legislative authority construct any elevated railway upon or over the same nor be subject to any penalty or forfeiture for omission so to do. So long as the right exists to complete the construction of the elevated railway upon the locations described in sections twenty-one and twenty-three, no part thereof shall be revocable, except as above provided in this section.

Enforcement
of provisions
of act.

SECTION 31. The supreme judicial or superior court, upon application of the cities of Cambridge or Boston, the company, or any other party in interest, may enforce or

prevent violation of the provisions of this act, by any appropriate process.

SECTION 32. This act shall take effect upon its acceptance by the mayor and board of aldermen of the city within one month, and by the company, by vote of its board of directors and return thereof thereafter and within two months, after its passage. If so accepted, the company shall complete the work of construction of the Main street subway within four years after the final approval of the original plan required by section three. If the construction of any subway herein provided for, or the construction of the elevated railway, as provided in sections twenty-one and twenty-three hereof, is delayed by litigation, unforeseen casualty or other cause, the company may apply to the board for extension of the time therefor, and the board, upon notice to the city of Cambridge, or the city of Boston, or both if deemed necessary, and upon hearing and proof that such litigation was not collusive, or that such casualty or other cause was not due to the fault of the company, may determine what extension of the time may reasonably be allowed for completion of the subway or railway, or both, and such further time shall thereupon be allowed therefor.

When to take effect, etc.

Approved June 23, 1906.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A CHIEF INSPECTOR OF THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Chap. 521

Be it enacted, etc., as follows:

SECTION 1. The governor is hereby authorized to appoint, as hereinafter provided, one of the members of the boiler inspection department of the district police as chief inspector of said boiler inspection department. Said chief inspector shall have supervision over the members of said boiler inspection department in order to secure the uniform enforcement throughout the Commonwealth of all acts relative to the inspection of boilers and the examination of engineers and firemen. Said chief inspector shall receive an annual salary of two thousand dollars and his actual and necessary travelling expenses.

Chief inspector, boiler inspection department of the district police, appointment, etc.

SECTION 2. As soon as practicable after the passage of this act the civil service commissioners shall hold an examination to determine the qualifications of applicants

Examination of applicants.

for the position of said chief inspector. The commissioners shall certify to the governor the names of the three persons receiving the highest percentage on such examination, and the percentage obtained by each, and the governor shall appoint one of said three persons as chief inspector of the boiler inspection department.

SECTION 3. This act shall take effect upon its passage.

Approved June 26, 1906.

Chap.522

AN ACT RELATIVE TO THE INSPECTION OF BOILERS.

Be it enacted, etc., as follows:

Additional members of inspection department of the district police to be appointed.

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the inspection department of the district police, who shall be not above forty-five years of age. Said age limit shall apply to all new appointments to said boiler inspection department, but shall not apply to any reappointment thereto. They shall be detailed for the inspection of boilers, and shall receive the same compensation now received by the present inspectors of boilers. The governor is also hereby authorized to appoint one clerk, at an annual salary of eight hundred dollars, to serve in the said department, and four additional clerks, at an annual salary of six hundred dollars each, to serve at branch offices in the said department.

Tag or seal to be attached to every boiler inspected, etc.

SECTION 2. Upon every boiler which has been inspected and approved by the district police, or upon the fittings of the said boiler, there shall be attached by the inspector, by a seal or otherwise, a metal tag, and upon the tag or seal shall be inscribed the number of the boiler, the year, month and date of the inspection and the number of the district.

Penalty for removing tag or seal, etc.

SECTION 3. Any person, excepting a member of the district police, who defaces or removes the tag or seal specified in section three, shall be punished by a fine of not less than five nor more than one hundred dollars.

Approved June 26, 1906.

Chap.523

AN ACT TO AUTHORIZE THE RETURN OF PAYMENTS MADE UNDER THE PROVISIONS OF LAW RELATIVE TO TRADING STAMPS AND SIMILAR DEVICES.

Be it enacted, etc., as follows:

Payments made under 1904, 403, to be returned.

SECTION 1. A city or town which has received any payment under the provisions of chapter four hundred and

three of the acts of the year nineteen hundred and four is hereby authorized to return the amount of such payment to the person, firm or corporation making the same or to their legal representatives.

SECTION 2. This act shall take effect upon its passage.

Approved June 26, 1906.

AN ACT TO AUTHORIZE THE TOWN OF CHATHAM TO BUILD A BRIDGE ACROSS MITCHELL'S RIVER AND TO BORROW MONEY THEREFOR.

Chap. 524

Be it enacted, etc., as follows:

SECTION 1. The town of Chatham is hereby authorized to construct, within three years from the passage of this act, a new bridge across Mitchell's river in said town, in substantially the same location as the present bridge, of suitable width to accommodate public travel, with suitable abutments and approaches thereto. The bridge and approaches thereto shall be laid out by the commission hereinafter mentioned as a highway, and of such width as they may determine. Said bridge may, with the consent of the United States government, be constructed without a draw.

The town of Chatham may construct a bridge over Mitchell's river.

SECTION 2. Said bridge shall be suitable for all the purposes of ordinary travel; shall be built with or without a draw, and shall be constructed, maintained and operated subject to the provisions of chapter ninety-six of the Revised Laws and of all other general laws now or hereafter in force relating to bridges over tide waters, so far as the same are applicable, except that no compensation for the displacement of tide water shall be required from said town.

Manner of construction, etc.

SECTION 3. The town of Chatham shall, at a town meeting called for that purpose, elect by ballot three citizens of the town as a special commission for the building of said bridge and the one receiving the highest number of votes cast at such election shall be the chairman of said commission. They shall hold office until the completion of said bridge and shall be sworn to the proper discharge of the duties of their office as in the case of road commissioners. Any vacancy in the commission shall be filled as in the case of a vacancy in the office of road commissioner. They shall have all the powers in regard to the construction of said bridge and its abutments and approaches which are herein granted to the said town, and

Special commission to be elected to supervise construction of bridge, etc.

shall, in laying out and constructing said bridge and its abutments and approaches, proceed under the same laws and shall have and exercise the same powers, so far as they may be applicable, which govern the laying out of highways by road commissioners or by selectmen, with like remedies to all parties interested, except that no betterments shall be assessed. They shall receive such compensation as the town of Chatham shall determine.

The town of Chatham may issue bonds or scrip, etc.

SECTION 4. For the purpose of meeting the expense of constructing the said bridge and its abutments and approaches the said town is hereby authorized to borrow, outside of its statutory debt limit, money to an amount not exceeding fifteen thousand dollars and to issue negotiable bonds, notes or scrip therefor, payable in periods not exceeding fifteen years from the date of issue. Such bonds, notes or scrip shall be denominated on the face thereof, Town of Chatham, Mitchell's River Bridge Improvement Loan, Act of 1906, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by this act; and when the vote to that effect has been passed, the amount required therefor shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by the said town shall be extinguished in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. Except as otherwise provided herein, the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto shall apply to the indebtedness herein and to the securities issued therefor.

Proviso.

SECTION 5. This act shall take effect upon its passage.

Approved June 26, 1906.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE CITY OF
CAMBRIDGE IS AUTHORIZED TO ACCEPT THE ACT RELATIVE TO
TUNNELS OR CONDUITS UNDER AND THROUGH BROAD CANAL. *Chap. 525*

Be it enacted, etc., as follows:

SECTION 1. The time within which the city council of the city of Cambridge is authorized to accept chapter one hundred and thirty of the acts of the year nineteen hundred and six, providing that the city of Cambridge may construct, operate, maintain and lease tunnels or conduits under and through Broad canal in the said city, is hereby extended to five months from the date of the passage of the said chapter.

To extend the time within which the city of Cambridge may accept a certain act.

SECTION 2. This act shall take effect upon its passage.

Approved June 26, 1906.

AN ACT RELATIVE TO THE WATER SUPPLY SYSTEM OF THE
TOWN OF FRAMINGHAM. *Chap. 526*

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham, for the purpose of renewing, repairing and extending the system of water works which the town on May eighth, nineteen hundred and five, voted to purchase from the Framingham Water Company, and for other water purposes, is hereby authorized to issue from time to time bonds, notes or scrip to an amount sufficient for such purposes, to be determined by a vote of the town at a legal meeting held for that purpose, in addition to the amounts which it is already authorized to issue for those purposes. Such bonds, notes or scrip shall bear on their face the words, Town of Framingham Water Loan, Act of 1906, shall be payable at the expiration of periods not exceeding thirty years from their dates of issue respectively, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by a majority of the selectmen of the town. Said town may upon such terms and conditions as it may deem proper sell such securities, or any part thereof, at public or private sale, or pledge the same for money borrowed for the purposes of this act, or deliver the same or any part thereof in payment for property acquired for water purposes, if the person or persons entitled to such payment consent to

Town of Framingham, etc., Water Loan, Act of 1906.

Proviso.

receive the same in such securities: *provided*, that the said securities shall not be sold, pledged or delivered for less than the par value thereof.

To provide for payment of loan in annual payments, etc.

SECTION 2. Said town shall at the time of authorizing any such loan provide for the payment thereof in such annual payments, beginning not more than five years after the date of the securities issued therefor, as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the interest on the said securities as it accrues and to make such payments on the principal thereof as may be required hereby, shall without further vote be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the said loan is extinguished.

Title to property, etc., purchased to vest in the town.

SECTION 3. The title to all property and rights purchased by the town under the provisions of chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-four, or otherwise purchased or taken for water purposes, shall vest in said town, and the property and rights so taken or purchased shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of the town.

Prices or rates for use of water, etc.

SECTION 4. The water commissioners shall fix such prices or rates for water or the use thereof, including hydrant and fountain rentals, as shall produce annually, as nearly as may be, an amount sufficient to defray all current operating expenses, including maintenance, all interest charges, sinking fund contributions and the payment of the bonds, notes or scrip issued under chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-four and of chapter four hundred and seventy-six of the acts of the year nineteen hundred and five and under the authority of this act. If however the amount thus provided shall in any year be insufficient for the payment of the current operating expenses, including maintenance, all interest charges and payments on account of the principal and sinking fund as provided in said acts, such deficiency shall be paid by the town, which shall raise by

taxation a sum sufficient to make up the deficit. If there should be a net surplus remaining after providing as above for the aforesaid charges, it may be used for such new construction as the water commissioners may determine upon. No money shall be expended for new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates money therefor. The time and manner of paying such rates shall be prescribed by the said water commissioners.

SECTION 5. The owner of any tenement, building or other property, the occupants of which use water supplied under the provisions of this act, shall be liable for the payment of such water, and in case of non-payment by him, the sums due therefor may be collected in an action of contract brought in the name of the town of Framingham.

Owner of tenement to be liable, etc.

SECTION 6. Said town shall after the passage of this act, at a legal meeting called for the purpose, elect by ballot, in the manner in which other officers are elected by ballot therein, three persons, legal voters of said town, to be the board of water commissioners, and to hold office one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. No person shall be elected water commissioner who shall at the time of his election hold any other salaried elective town office, nor shall a person hold the office of water commissioner and any other salaried elective town office at one and the same time. Nothing in this act, however, shall prevent said commissioners from performing all the duties of sewer commissioners whenever said town, at a legal meeting called for that purpose, so votes. All the authority granted to the town by the acts aforesaid and by this act and not specially provided for shall be vested in said board of water commissioners.

Water commissioners, election, etc.

SECTION 7. A majority of said commissioners shall constitute a quorum for the transaction of business, and they shall make a report to the town of all their doings annually, or as often as the town may require. Any vacancy occurring in said board from any cause may be filled in the manner provided by section three hundred and sixty-

Quorum.

one of chapter eleven of the Revised Laws. All contracts made by the water commissioners shall be made in the name and behalf of the town, and no contract shall be made by them which involves the expenditure of money not already available or appropriated for the purpose by the town.

1884, 271, § 8,
amended.

Framingham
Water Loan.

Payment of
interest on
loan.

SECTION 8. Chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-four is hereby amended by striking out section eight and inserting in place thereof the following:— *Section 8.* For the purpose of defraying the cost of such property, lands, water and water rights as shall be purchased for the purposes aforesaid, together with all expenses incident to such purchase, the town of Framingham may incur indebtedness and may issue therefor from time to time notes, bonds, scrip or certificates of debt, to be denominated on the face thereof, Framingham Water Loan, to any amount not exceeding the amount to be paid by the town for said purchase and the expenses incident thereto. Such notes, bonds or scrip shall be payable at the expiration of periods of not more than thirty years from the date of issue, may bear interest at a rate not exceeding four per cent per annum, payable semi-annually, and shall be signed by the treasurer and countersigned by a majority of the selectmen of said town. Said town by its treasurer may sell such notes, bonds, scrip or certificates of debt or any part thereof at not less than par, from time to time, or pledge the same for any money borrowed for the purposes aforesaid, on such terms and conditions as may be prescribed by the town. The town shall pay the interest on said loan as it accrues, and shall at the time of authorizing said loan provide for the payment thereof in such annual payments, beginning at the expiration of five years from the date of issue of such securities as will extinguish the same within the time prescribed in this act; and when such vote has been passed, a sum which, with the income derived from water rates will be sufficient to pay the annual expense of operating the said water works and all extensions thereof and additions thereto, and interest as it accrues on the notes, bonds or scrip issued as aforesaid by said town, and on all other notes, bonds or scrip issued for water purposes, and on the bonds of the Framingham Water Company assumed by the town, and to make such payments on the

principal and such contributions to the sinking fund as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of said town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished. The town may assume the payment of the interest and principal of any bonds issued by the Framingham Water Company, in which case the principal amount of the bonds thus assumed shall be deducted from the price to be paid by the town for the said purchase; and the town shall establish a sinking fund at the time of assuming the said bonds, and shall contribute thereto from year to year, beginning five years after the establishment of such sinking fund, an amount sufficient with its accumulations to extinguish the said bonds at maturity.

Sinking fund.

SECTION 9. This act shall take effect upon its passage.

Approved June 27, 1906.

AN ACT RELATIVE TO THE SOCIAL LAW LIBRARY OF THE
COUNTY OF SUFFOLK.

Chap. 527

Be it enacted, etc., as follows:

SECTION 1. The amount of money paid hereafter to the social law library of the county of Suffolk shall be taken from the sums heretofore or hereafter collected as naturalization fees under the provisions of section eighteen of chapter one hundred and sixty-six of the Revised Laws, and from no other source, unless the money so collected is in any future year less than the amount to be paid to the said library as aforesaid.

Money paid to the social law library of the county of Suffolk to be taken from naturalization fees, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 27, 1906.

AN ACT RELATIVE TO THE TIME OF PAYMENT OF BONDS ISSUED
BY THE NORTH CHELMSFORD FIRE DISTRICT.

Chap. 528

Be it enacted, etc., as follows:

SECTION 1. The annual proportionate payments of the bonds, notes or certificates of debt which the North Chelmsford Fire District is authorized to issue by section five of chapter one hundred and nineteen of the acts of the year

Payment of bonds, etc., of the North Chelmsford Fire District.

nineteen hundred and six shall begin in the year nineteen hundred and eleven.

SECTION 2. This act shall take effect upon its passage.

Approved June 27, 1906.

Chap. 529 AN ACT RELATIVE TO THE PURIFICATION OF MYSTIC RIVER, ALEWIFE BROOK AND ADJACENT WATER COURSES, PONDS AND DRAINAGE AREAS.

Be it enacted, etc., as follows:

Improvements,
etc., in the
drainage of
Alewife brook,
etc.

SECTION 1. The metropolitan park commission shall, in connection with the construction of a dam in Mystic river, make improvements in and about Alewife brook and its tributaries and the drainage areas of said brook and tributaries, substantially in accordance with the report of the state board of health under section two of chapter four hundred and forty-five of the acts of the year nineteen hundred and four.

Flats and lands
may be taken,
etc.

SECTION 2. For the purpose of carrying out the provisions of this act said commission may from time to time take in fee or otherwise, by purchase or otherwise, for the Commonwealth, lands, flats and lands covered with water, easements, rights and other property situated within five hundred feet on either side of the centre of the channel of said brook and tributaries, by filing in the registry of deeds for Middlesex county a description thereof sufficiently accurate for identification, signed by a majority of the commission. Said commission may construct and maintain under any public way or railroad location any drain or other structure in such manner as not unnecessarily to obstruct travel thereon and may change the location of said brook and any of said tributaries where the same crosses a public way or railroad location and elsewhere and shall have all other powers necessary to carry out the purpose of this act.

Treasurer and
receiver gen-
eral may issue
scrip, etc.

SECTION 3. To meet the expenses incurred under this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred thousand dollars, as an addition to the amounts already authorized under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition

thereto and in amendment thereof and as a part of the Metropolitan Parks Loan, and subject to the provisions thereof. Such scrip or certificates of indebtedness shall be issued as registered bonds, payable in not exceeding twenty years from the date of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of January and July of each year.

SECTION 4. The cost of such improvements shall not exceed the sum of one hundred thousand dollars, and shall be paid by the cities of Cambridge and Somerville and the towns of Arlington and Belmont, in the following manner: — The supreme judicial court sitting in equity shall, upon application of said commission and after such notice as it may order, appoint three commissioners, who shall, after due notice and hearing, in such manner as they shall deem just and equitable, determine in what proportion the cost of said improvements shall be paid by each of said cities and towns, and shall return their award into said court, and when the same has been accepted by said court it shall be a final adjudication and binding upon all parties.

Cost of improvements to be paid by certain cities and towns.

SECTION 5. Upon the acceptance of said award the treasurer and receiver general of the Commonwealth shall determine the amount to be paid in accordance with said award by each of said cities and towns as their proportion of the cost of said improvements and shall collect the same, with interest at the current rates, in the sum charged to each of said cities and towns in the apportionment and assessments of its state tax for the succeeding twenty years until the final sum to be paid by each city and town has been fully paid. The assessments thus paid shall be credited and added to the Metropolitan Parks Loan Sinking Fund.

Treasurer to determine amount to be paid by the several cities and towns.

SECTION 6. Any person entitled by law to damages, whether by the taking of or injury to his property under the authority of this act, who is unable to agree with the commission upon the amount of compensation therefor, may have such damages determined by a jury in the superior court in the county of Middlesex by petition therefor against the Commonwealth, filed within two years after such taking or after the doing of such injury, under the same provisions of law, so far as they are applicable, which apply in determining the value of lands taken for highways under chapter forty-eight of the Revised Laws.

Damages.

Betterments.

SECTION 7. Each city and town shall have the same authority within five years after the passage of this act to determine the value of and assess upon real estate in said city or town the amounts of betterments accruing to said real estate by reason of said improvements as is conferred by chapter fifty of the Revised Laws upon boards of city or town officers authorized to lay out ways, and the provisions of sections one to thirteen, both inclusive, except sections four and eleven of said chapter fifty, shall apply to such assessments.

When to take effect.

SECTION 8. This act shall take effect upon its acceptance by the city council of each of said cities and by the selectmen of each of said towns within four months of its passage.

Approved June 27, 1906.

Chap.530 AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO SELL CERTAIN PROPERTY FOR THE RELOCATION OF A PUBLIC WAY IN THE TOWN OF FRAMINGHAM.

Be it enacted, etc., as follows:

Property held by the Commonwealth in the town of Framingham may be sold, etc.

SECTION 1. The metropolitan water and sewerage board may, in its discretion sell, lease or exchange by public or private sale any property of the Commonwealth held and used for water supply purposes, situated in the town of Framingham, southerly of and abutting on or adjacent to the Boston and Worcester turnpike, so-called, whether taken by the Commonwealth by eminent domain or otherwise, if such property is deemed necessary for the alteration, relocation or widening of any public way upon which said property abuts, and is not deemed necessary by said board for public purposes.

SECTION 2. This act shall take effect upon its passage.

Approved June 27, 1906.

Chap.531 AN ACT TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO REPAIR, MAINTAIN AND REBUILD PARKER RIVER BRIDGE, SO-CALLED, IN THE TOWN OF NEWBURY.

Be it enacted, etc., as follows:

Bridge over Parker river in Newbury to be laid out as a highway, etc.

SECTION 1. The Massachusetts highway commission is hereby authorized and directed to lay out as a state highway the roadway and bridge over Parker river in the town of Newbury, on the way locally known as High street, between the termini of the present state highway, and to

maintain and keep in repair the said roadway, bridge and the approaches thereto. All expenses incidental thereto shall be paid out of the appropriations for the repair of state highways.

SECTION 2. If at any time the commission shall decide that public necessity and convenience require the rebuilding of said roadway, bridge and approaches, it shall, after full notice and a public hearing to all parties interested, prepare plans and make a careful estimate of the cost and expense of such rebuilding and report its findings to the general court. If the general court shall approve its findings and determine the proportionate amounts which the Commonwealth, the county of Essex, and such cities and towns as may be determined to be specially benefited should pay towards the cost of such rebuilding, and shall appropriate the Commonwealth's share therefor, the county of Essex and such cities and towns as may be determined to be specially benefited, as aforesaid, shall within such time and in such manner as the commission may direct pay into the treasury of the Commonwealth the proportionate amounts to be paid by them. The commission shall then within a reasonable time rebuild said roadway, bridge and approaches in accordance with the provisions of chapter forty-seven of the Revised Laws. The treasurer and receiver general shall pay from the sums appropriated and deposited in the treasury as aforesaid, on orders of the commission, such amounts as may be needed for the work. If after the completion of the work it appears that the total amount appropriated and deposited is in excess of the cost and expenses incurred the treasurer and receiver general shall pay back to said county and to such cities and towns as have been determined to be specially benefited their proportionate shares of the said excess, and the proportionate share of the Commonwealth of said excess shall revert to the treasury.

Plans and estimates to be made, etc.

Cost of maintenance, etc.

SECTION 3. In case any street railway or electric railroad company is granted a location upon the said bridge, it shall pay into the treasury of the Commonwealth as its part of the expense of rebuilding the bridge and the approaches thereto, a sum amounting to not less than ten per cent of the said expense, and shall also enter into an agreement with the Massachusetts highway commission to keep that part of the roadway on said bridge lying between the

Street or electric railroad company to bear part of expense, etc.

tracks of the company and eighteen inches outside thereof on both sides of the track, in repair and safe for public travel; and no location shall be granted upon said bridge except upon the foregoing conditions. The treasurer and receiver general of the Commonwealth shall pay back to said county and to such cities and towns as have been determined to be specially benefited, their proportionate shares of such amount as has been paid under this act by any street railway or electric railroad company.

The county of Essex and cities and towns benefited may borrow money to meet expense, etc.

SECTION 4. The county of Essex and such cities and towns as have been determined to be specially benefited may borrow on the credit of the county and of such cities and towns, respectively, such sums of money as may be necessary to comply with the provisions of this act.

SECTION 5. This act shall take effect upon its passage.

Approved June 28, 1906.

Chap. 532 AN ACT TO INCORPORATE THE NEW YORK, BROCKTON AND BOSTON CANAL AND TRANSPORTATION COMPANY.

Be it enacted, etc., as follows:

New York, Brockton and Boston Canal and Transportation Company incorporated.

SECTION 1. John J. Whipple, Herbert E. Guy, Bradford E. Jones, Wallace C. Flagg, Elmer C. Packard, George B. French, Daniel W. Field, Herbert L. Tinkham, George Clarence Holmes, Benjamin Buffington, George T. Durfee, Richard E. Warner, Thomas A. Norris, Fred P. Richmond, Kenneth McLeod, George A. Carter, Alva P. Poole, Samuel J. Gruver, Elliot L. Bonney, Rufus E. Tilton, George A. Wheeler, Embert Howard, Horatio E. Williams, Charles Howard, George E. Keith, Nathaniel R. Packard, Frank E. White, William Rapp, James G. Wilde, Portus B. Hancock, Howard T. Marshall, Loring W. Puffer, Emery M. Low, Henry F. Borden, Charles O. Emerson, Luke W. Reynolds, Henry J. LeLacheur, William S. Morey, Robert Cook, John E. Holland, Ellis S. LeLacheur, Charles L. Sargent, Edward B. Mellen, Maynard A. Davis, James A. Roarty, Martin Dolan, Ellery C. Dean, Moses A. Packard, John S. Kent, David A. Alden, William L. Douglas, George Hawley, Charles B. Whitcomb, James W. Rollins, Jr., William H. Lewis, Hiram E. Wardwell, Loyed E. Chamberlain, Lewis M. Haupt, Baalis Sanford, Thomas B. Inness, Michael D. Long, Frank E. Shaw, Robert T. Davis, A. Homer Skin-

ner, Sumner H. Hancock, Charles A. Browne, Joseph Pratt, Roswell R. Skillings, Lorenzo B. Terry, Albert Barrows, Elmer H. Fletcher, Jabez W. Frederick, their associates and successors, are hereby made a corporation by the name of the New York, Brockton and Boston Canal and Transportation Company, and as such shall have perpetual succession, and by that name may sue and be sued, and may purchase, receive, hold and convey real and personal estate, and the same retain to themselves, their successors and assigns, so far as may be necessary for the transaction of their business; with all the privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to railroad corporations, so far as they are applicable, except as otherwise provided herein.

SECTION 2. The capital stock of said corporation shall be fifteen million dollars, divided into shares of one hundred dollars each, and the corporation may issue coupon or registered bonds to an amount not exceeding the authorized capital stock of the corporation actually paid in at the time, and may mortgage or pledge as security for the payment of such bonds a part or all of its canal equipment or franchise then owned or thereafter to be acquired, or a part or all of its property, real or personal. All issues of stock and bonds under the provisions of this act shall be subject to the approval of the board of railroad commissioners in the manner provided in chapter one hundred and nine of the Revised Laws and in acts in addition thereto and in amendment thereof.

Capital stock,
etc.

SECTION 3. Said canal company may locate, construct, maintain and operate a ship canal beginning at some convenient point on Narragansett bay or Taunton river, harbor or an estuary thereof, and extending across the state of Massachusetts to an estuary, river or harbor of Massachusetts bay or Cape Cod bay on or near the survey of nineteen hundred and one from Taunton river to Fore river, Weymouth; may locate, construct and maintain all such wharves, basins, docks, gates, locks and other structures and works as may be necessary for the convenient use of said canal, together with the highways provided for by this act; and may maintain and operate steam and other vessels or power conveyances for transportation by water, and steam tugs, or may use any other means or methods for

May locate,
construct and
operate a ship
canal, etc.

assisting vessels in their approach to and passage through and from the canal. The canal when constructed shall have a depth of not less than twenty-five feet at mean high tide and a width of not less than one hundred and twenty feet at the bottom, with suitable slopes, and with a surface width of not less than two hundred feet, and any part of said canal may be constructed of wood, stone or other suitable material and, if so constructed, and with vertical sides, shall have a uniform width of one hundred and fifty feet. All materials excavated from tide waters shall be disposed of to the satisfaction of the Massachusetts harbor and land commissioners, and the construction of the approach from deep water to either end of the canal shall be subject to their supervision.

Location, etc.

SECTION 4. Said canal company may lay out and have the location of its canal not exceeding seven hundred feet in width, and shall, within two years after the payment of the moneys referred to in section twenty-three, file with the harbor and land commissioners a plan of the proposed location and a plan of the proposed construction thereof. The board of harbor and land commissioners shall, after such notice as they shall deem sufficient, and after hearing the parties interested, and within six months after the filing of said plans, approve or disapprove said plan of the proposed location and the plan for the construction, or may require such modification of such plans as said commissioners may deem the public interest to require. The plans as finally approved by the said board shall be returned to the said company, and shall be accepted or rejected by the company within six months after such return. If accepted, notice in writing of the acceptance shall be sent to the said board, and the plans shall be deemed to be the plans of the location and construction of the said canal, and said company shall be authorized to construct its canal in accordance therewith. Said company shall thereupon file the location of said canal in the registry of deeds for the counties of Norfolk, Plymouth and Bristol, defining the courses, distances and boundaries thereof, in the manner provided for filing railroad locations.

Damages.

SECTION 5. Said canal company shall pay all damages occasioned to the Old Colony Railroad Company and to any street railway company whose railway is crossed by

the canal, by laying out and making said canal or by taking land or materials therefor, or by any change required under this act of the road of said railroad company; and such damages, on the application of either party, shall be estimated by the county commissioners for the county within which the land taken lies or the damage was occasioned, in the manner and subject to the rules of law provided for determining the damages for taking land in laying out railroads. Either party dissatisfied with the estimate of the county commissioners may, at any time within one year after it is completed and returned, apply by petition to the superior court for the county within which the land taken lies or the damage was occasioned for a jury to assess the damages, and like proceedings shall be had thereon as in proceedings for the recovery of damages for laying out railroads.

SECTION 6. The said canal company shall pay all damages occasioned by laying out, making and maintaining its canal, or by taking any land or materials therefor which may be necessary to comply with the plans and specifications provided for in sections four and eight of this act; and such damages shall, on application of either party, be estimated by the county commissioners of the county in which the damage is done, in the manner provided in the case of the laying out, making and maintaining of railroads. Either party dissatisfied with the estimate of the county commissioners may at any time within one year after their award has been made apply for a jury to assess the damages. The proceedings thereon shall be the same as for the recovery of damages for land taken by railroad companies.

Payment of
damages.

SECTION 7. The canal company, within one month after the approval of its plans by the board of harbor and land commissioners, may apply to the boards of railroad commissioners and of harbor and land commissioners, who for the purposes hereinafter stated are constituted a joint board, to determine at what point or points the railroad of the Old Colony Railroad Company and any street railway company whose railway is crossed by the canal shall cross said canal by a drawbridge or bridges, or by a tunnel or tunnels constructed under said canal, and to determine the points where and methods by which public ways shall cross the canal. Said joint board thereupon, after notice

Crossing of
canal by the
Old Colony
Railroad Com-
pany, etc.

to the Old Colony Railroad Company and to all other parties interested, which notice shall be given in such form as said joint board shall direct, shall determine said questions, and the decision of a majority of said joint board shall be final. Said canal company shall construct its canal with such structures and appliances for its protection and use as said joint board may order, together with such bridge or bridges, tunnel or tunnels, ferries, and changes of highways, under the supervision of said joint board, as shall be in accordance with plans approved by them and in conformity with such orders as they may make; and the supreme judicial court or any justice thereof in term time or in vacation shall have jurisdiction in equity to enforce such orders.

Railroad commissioners to prescribe when and how location of railroad may be altered.

SECTION 8. The board of railroad commissioners, after due notice to all parties interested and after hearing all who shall appear, shall determine and prescribe in writing the time when and the manner in which the Old Colony Railroad Company and any street railway company whose railway is crossed by the canal, shall alter its location so as to cross said canal at such point or points as may be determined upon by the joint board hereinbefore provided; and in making such alterations said railroad corporation shall have all the powers and privileges and shall be subject to all the duties, restrictions and liabilities set forth in all general laws relating to railroads, except that the damages of land owners shall be assessed only against, and shall be paid by, said canal company, as in the case of land taken for railroad purposes. The canal company may thereupon proceed to build the railroads or railways upon the new locations, and may complete the same in such manner as may be prescribed by the railroad commissioners, and to their satisfaction, in case the parties do not agree upon the same; and shall pay all damages caused by the construction of said railroads or railways upon such new locations, and shall be liable for such damages, as in case of the construction of railroads. Until the completion of the railroads or railways upon the new locations, said canal company shall not enter upon the old location of said railroad except for making surveys or by consent of the said railroad or railway companies, or of the railroad commissioners. Damages occasioned to the said railroad or to any street railway company by its compliance with

the requirements of this act may be recovered by it of the canal company, in the manner provided by law for the recovery of damages caused by the location and construction of railroads.

SECTION 9. Upon the completion and acceptance by the board of railroad commissioners of the newly constructed railroad or railway and bridge or bridges, tunnel or tunnels, as above provided, the title of said railroad company to the land covered by the old, but not covered by the new, locations of said railroad, so far as the same is included within the location made by said canal company, shall vest in and become the property of said canal company.

Title to certain land to vest in the canal company.

SECTION 10. The said railroad and railway companies and any street railway company whose railway is crossed by the canal, upon the completion and acceptance by the board of railroad commissioners of the newly constructed railroad and bridge or bridges, tunnel or tunnels, as above provided, may at its option take such iron and other materials as may remain upon that part of the line of said railroad which is to be given up, and shall allow or pay to the said canal company the value thereof, such value to be determined by the county commissioners of the county in which the property was situated in case the parties do not agree upon the same.

Unused materials may be taken by railroad and street railway companies.

SECTION 11. The canal company shall build, maintain and keep in repair a bridge or bridges across said canal, or a tunnel or tunnels under the same, suitable for the passing of railroad and highway traffic, as said joint board shall determine, which bridge or bridges shall have a suitable draw or draws for the passage of vessels, and shall be constructed to the approval, and shall be maintained under the supervision, of the board of railroad commissioners. In case of injury to or destruction of any railroad bridge over the canal, the railroad company may repair or rebuild it, and may recover the reasonable expense thereof of the canal company in an action of contract, unless such injury or destruction was caused by the fault of the railroad company, in which case the expense shall be borne by the railroad company.

Bridges and tunnels may be built and maintained by the canal company.

SECTION 12. The Old Colony Railroad Company shall appoint a superintendent and all necessary assistants for every drawbridge used for the purpose of its lines, over said canal: *provided*, that such appointments shall be ap-

Superintendent and assistants.

Proviso.

proved in writing by the board of railroad commissioners before they take effect. Said superintendent shall have full and absolute control of the drawbridge and ferries under his charge, subject to such rules and regulations as may from time to time be made or approved by the railroad commissioners.

Location of
Old Colony
Railroad
Company, etc.

Proviso.

Penalty for
obstructing
operation
of draw.

Penalty for
injury to
bridges, etc.

Provisions of
R. L. 111, §§
171 to 177 to
apply.

SECTION 13. The Old Colony Railroad Company shall have its location, not exceeding five rods in width, upon any land owned or located upon said canal company up to the bridge where it crosses the canal, on each side thereof: *provided*, that all reasonable use of such location by the canal company for the purpose of operating its canal, and under the direction of the board of railroad commissioners, shall be permitted by the railroad company without the payment of rent to the railroad company.

SECTION 14. Whoever unnecessarily opens or obstructs any draw without the consent of the superintendent, or without such consent makes fast or moors any scow, raft or other vessel to a bridge to within wake of the draw, or neglects or refuses, upon request, to unfasten or unmoor such vessel, shall be fined not less than three dollars nor more than fifty dollars.

SECTION 15. Whoever wilfully injures or damages any bridge, wharf or pier belonging to the canal company, or wilfully disturbs or hinders the superintendent in the discharge of his duties, shall forfeit to said canal company for each offence a sum not exceeding one hundred dollars, and be further liable in damages to said canal company.

SECTION 16. The provisions relating to drawbridges contained in sections one hundred and seventy to one hundred and seventy-seven, inclusive, of chapter one hundred and eleven of the Revised Laws shall extend to any bridges constructed or maintained by said canal company under the provisions of this act, so far as they may be applicable, except that said drawbridges may be kept open at all times except when required to be closed for the actual passage of trains, and except that a railroad train shall be allowed five minutes to cross said draw instead of fifteen minutes, as provided in section one hundred and seventy-two of said chapter. The same penalties and forfeitures provided in section one hundred and seventy-six of said chapter shall also be in force, and may be recovered of the Old Colony Railroad Company or of any engineer or any superintend-

ent of said bridge in like manner as therein provided in case of the violation of any provision of section one hundred and seventy-three or one hundred and seventy-five of said chapter.

SECTION 17. Said canal company may establish for its sole benefit, but without discrimination, favoritism or rebating, a toll upon all vessels or water craft of whatever description, using its canal, at such rates as the directors thereof may determine, and may from time to time regulate such use in all respects as said directors may determine. Said canal company shall also furnish towage through the canal for all vessels or water craft which require it, for which service it may establish for its sole benefit, but without discrimination, favoritism or rebating, a toll at such rates as the directors may determine. If the said company shall be guilty of any act of discrimination, favoritism or rebating in respect to the tolls hereby authorized to be charged by it, or in respect of any service rendered by it, it shall be subject to a penalty of not less than five hundred nor more than one thousand dollars for each offence.

Tolls upon vessels, etc., using canal.

SECTION 18. Whoever fraudulently evades or attempts to evade the payment of any toll lawfully established under this act, either by misrepresenting the register or draught of any vessel, or otherwise, shall be fined not less than fifty nor more than five hundred dollars, and all such fines shall be paid over to the canal company.

Penalty for evading payment of toll, etc.

SECTION 19. To compensate the county commissioners for services rendered under this act, and to defray their expenses, the canal company shall pay each of said commissioners the sum of five dollars a day for the time actually spent in the discharge of his duties: *provided*, that said canal company shall not be required to pay any of said commissioners for more than fifty days' service in one year.

Compensation to county commissioners for services, etc.

Proviso.

SECTION 20. Whoever wilfully or maliciously obstructs the passing of any vessel or steam tug or other water craft in said canal, or obstructs the approaches to said canal within two thousand feet of either extremity thereof, or in any way injures said canal or its banks, breakwaters, docks, wharves, locks, tunnels, ferries, ferryboats, slips, gates, or other structures or works, or anything appertaining thereto, or any materials or implements for the con-

Penalty for obstructing the passing of vessels through the canal.

struction or use thereof, or aids or abets in such trespass, shall forfeit to the use of said canal company for such offence treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of said company; and may further be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding one year.

Fee for
certificate of
incorporation.

Payment to
the treasurer
of the Com-
monwealth.

SECTION 21. Said canal company shall pay to the secretary of the Commonwealth, on receiving its certificate of incorporation, the sum of fifty dollars; and shall also pay to the treasurer of the Commonwealth such sums of money as shall be fixed by the governor and council as compensation for the services and expenses of the boards of railroad commissioners and of the harbor and land commissioners for performing the duties imposed on them as a joint board under the provisions of this act. Said allowance for expenses shall include the compensation for such expert engineers as may be employed by said joint board.

Certain money
expended by
the harbor
and land com-
missioners to
be refunded,
etc.

SECTION 22. Any moneys expended by the board of harbor and land commissioners under chapter one hundred and four of the resolves of the year nineteen hundred and one, not exceeding, however, the sum of ten thousand dollars, shall be refunded to the Commonwealth by the grantees of this charter at any time within one year after the passage of this act; and if said company fails to comply with the requirements of this section, this charter may be declared void in the manner provided in the following section. The said sum may be reckoned by the company as a part of its capital stock, as if it had been paid in as such.

Construction
of the canal
to be com-
pleted within
ten years, etc.

SECTION 23. Within one year after the receipt, by the joint board of the written acceptance of the plans, as provided in section four, the said company shall begin the construction of said canal and shall complete the same within ten years after the entry for that purpose; but the company shall not begin said construction until one million dollars of its capital stock have been subscribed and five hundred thousand dollars thereof paid in cash to the treasurer of the corporation, nor until a deposit of two hundred thousand dollars in cash or United States government bonds, par value, has been made with the treasurer of the Commonwealth. The said deposit shall be made, and shall be held by the treasurer of the Commonwealth

as security for the faithful performance of the obligations imposed by this act, and for the payment of all damages occasioned by the laying out, construction and maintenance of the said canal, or by taking any land or material therefor, and also of all claims for labor performed or furnished in the construction of said canal; which sum shall remain with the treasurer until such time as the company shall have actually received into its treasury and expended the sum of fifteen million dollars in the construction of said canal, and shall have produced proof satisfactory to the board of railroad commissioners that it has settled all damages incurred or to be incurred in the location and construction of said canal. And unless such amount has been subscribed and such amount paid in and such deposit made within the time first mentioned in this section, this charter may be declared void by the supreme judicial court on the application of five citizens of the Commonwealth.

SECTION 24. Said canal company shall, before entering upon, removing, altering or otherwise interfering with any highway crossing the proposed line of said canal, give to each of the cities and towns traversed by the canal a bond with sureties satisfactory to the mayor and aldermen and the selectmen of such cities and towns respectively. The penal sum of each of said bonds shall not exceed fifty thousand dollars, and the bonds shall be conditioned to save the said cities and towns, respectively, harmless from all loss and expense occasioned by the removal or alteration of or interference with said highways by reason of the construction of said canal. Whenever the mayor of any city or the selectmen of any town and the canal company do not agree upon the amount of the bond, it shall be referred to the county commissioners of the county in which the city or town is situated, whose decision shall be final.

Company to give bond to cities and towns, etc.

SECTION 25. If said company fails to comply with the requirements of sections twenty-three or twenty-four, and this charter shall be declared void, as provided in section twenty-four, all buildings, machinery and personal property of said company situated on said canal shall become the property of the Commonwealth, and the location of the canal shall become the property of the cities and towns in which it is located.

Charter to become void in certain cases, etc.

SECTION 26. The Commonwealth or the United States may purchase of the New York, Brockton and Boston

The Commonwealth or the United States

may purchase
the canal and
franchise, etc.

Canal and Transportation Company its canal and all its franchise, property, rights and privileges by paying therefor such sum as will reimburse to it the amount of the capital paid in, with a net profit thereon of ten per cent a year from the time of the payment thereof by the stockholders of said company to the time of purchase, deducting from the purchase price the amount of any dividends received by the stockholders prior to the time of the purchase: *provided*, that no such purchase shall be made before the completion of the canal unless the purchaser agrees to complete the canal under the provisions of this act.

Proviso.

When to take
effect.

SECTION 27. So far as to authorize the organization of said canal company, the preparation and filing of the plan of the proposed location, and the submission of this act for acceptance by the voters of the cities and towns through which said location extends, this act shall take effect upon its passage, but it shall not further take effect unless accepted as provided in the next section.

To be sub-
mitted to the
voters for
acceptance.

SECTION 28. This act shall be submitted for acceptance at the next state election after the filing of the plan of the proposed location, as provided in section four of the act, to the voters of the cities and towns through which said location extends. The vote shall be in answer to the question, "Shall an act passed in the year 1906, entitled 'An Act to incorporate the New York, Brockton and Boston Canal and Transportation Company', be accepted?" and this act shall not further take effect unless accepted by a majority of the voters voting thereon.

Approved June 28, 1906.

Chap. 533 AN ACT TO PROVIDE FOR CERTAIN ANNUAL PAYMENTS TO THE TOWN OF HOLDEN ON ACCOUNT OF THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

Certain sums
to be paid
annually to
the town of
Holden, etc.

SECTION 1. The treasurer of the Commonwealth shall pay annually, as a part of the expenses of the metropolitan water system, on or before the thirty-first day of December, to the town of Holden an amount equal to the average assessment made by the assessors of said town for the three years preceding the purchase of said property by the Commonwealth on all real estate taken or acquired and held by the Commonwealth as a part of the metro-

politan water system, on the first day of May in each year, such payment to be in place of taxes, and any other payments required by law on such property: *provided*, that, if any buildings standing on land taken or acquired and held by the Commonwealth, as aforesaid, are removed and remain in said town, the value of such buildings, as newly located, shall be deducted by the assessors from the said amount. The words "real estate" as used in this section shall include water rights, and in the case of mills, all machinery therein.

Proviso.

Words "real estate" defined.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1906.

AN ACT TO PROVIDE FOR AN ENLARGEMENT OF OR AN ADDITION TO THE COURT HOUSE IN THE COUNTY OF SUFFOLK.

Chap. 534

Be it enacted, etc., as follows:

SECTION 1. For the purpose of carrying out the provisions of this act, a commission is hereby created, to consist of three citizens of the Commonwealth, one of whom shall be appointed by the governor and one by the mayor of the city of Boston, within two months from the passage hereof, and the third shall be appointed by the chief justice of the supreme judicial court, the chief justice of the superior court and the chief justice of the municipal court of the city of Boston, or by a majority of said justices. The governor shall designate one member of said commission to be chairman thereof. The commissioners shall receive such compensation for their services as the governor and council shall determine.

Enlargement of or an addition to the court house in the county of Suffolk.

SECTION 2. Said commission, acting in behalf of the Commonwealth, shall employ an architect or architects and cause to be prepared plans for additional court room accommodations for the county of Suffolk, by adding stories upon the present building and providing therein court rooms and conveniences appurtenant thereto, sufficient for the needs of the courts and for the prompt administration of justice in said county.

Preparation of plans, etc.

After the approval of said plans by the commissioners, the chief justice of the supreme judicial court, the chief justice of the superior court, the chief justice of the municipal court of the city of Boston, and the mayor of the city of Boston, or by a majority of all such persons, the

Contract.

said commissioners shall, on behalf of the Commonwealth, contract for the constructing, completing and furnishing such addition or enlargement of said building. But no such contract shall be entered into until it has been approved by the governor, the chief justice of the supreme judicial court and the mayor of the city of Boston, or by a majority of them. The said work of construction shall be commenced as soon as practicable and shall be completed within a time to be limited in the contract.

Treasurer and receiver general may issue bonds, etc.

SECTION 3. For the purpose of carrying out the provisions of this act the treasurer and receiver general of the Commonwealth is hereby authorized and required to issue in the name and behalf of the Commonwealth, bonds, notes or scrip sufficient in amount to defray the cost of the work herein authorized. The total expense of additional stories shall not exceed the sum of eight hundred thousand dollars. The said bonds, notes or scrip shall be issued and sold at such times, in such amounts and upon such terms and shall be made payable in such periods, not exceeding thirty years, as the governor and council shall approve.

The city of Boston to pay two thirds of amount of expense.

SECTION 4. The treasurer and receiver general shall certify to the mayor of the city of Boston the amounts, denominations and times of payment of said bonds, notes or scrip; and the city of Boston shall pay to the Commonwealth two thirds of each and every instalment of principal and of interest when the same becomes due and payable from the Commonwealth by the terms of said bonds, notes or scrip; it being the purpose of this provision to impose upon the city of Boston the payment of two thirds of the expenditures which may be made under this act as said bonds, notes or scrip shall mature or shall become payable from time to time.

Not to be reckoned in determining debt limit.

SECTION 5. The amount of the obligation of the city of Boston herein created shall not be reckoned in determining the statutory limit of indebtedness for said city.

SECTION 6. This act shall take effect upon its passage.

Approved June 29, 1906.

AN ACT RELATIVE TO THE FURNISHING OF ELECTRIC LIGHT AND POWER IN THE TOWN OF ACTON BY THE AMERICAN WOOLEN COMPANY OF NEW JERSEY. Chap. 535

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter four hundred and five of the acts of the year nineteen hundred and six is hereby amended by inserting before the word "said", in the first line, the words:— The exercise of the powers hereby granted,— so as to read as follows:— *Section 2.* The exercise of the powers hereby granted said American Woolen Company shall however be subject to all general laws now or hereafter in force relating to the erection, maintenance or operation of lines for electric light and power, and to corporations engaged in the sale of electricity for light or power: *provided, however,* that if the town of Acton shall vote to engage in the business of supplying electric light or power as provided in chapter thirty-four of the Revised Laws and acts in amendment thereof, then the said American Woolen Company shall convey to said town upon demand by it all the interest of said company in and to the posts, wires and other fixtures owned or used by the company for the distribution and sale of electricity in the town of Acton and not upon the land of said company, and the town shall be bound to purchase of said company only such posts, wires and fixtures. The town of Acton shall pay to the said woolen company the reasonable value of the posts, wires and fixtures so conveyed, to be determined in the manner provided in chapter thirty-four of the Revised Laws for determining the value of electric lighting plants taken by municipalities under the provisions of said chapter. Upon the conveyance to the town of the posts, wires and fixtures, as herein provided, the authority granted by section one of this act shall cease.

1906, 405, § 2, amended.

The American Woolen Company of New Jersey to be subject to general laws, etc.

Proviso.

The town of Acton to pay for posts, etc.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1906.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR SUNDRY AND MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR. Chap. 536

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

Appropriations.

from the ordinary revenue, except as otherwise provided herein, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

Taunton insane hospital.

For certain improvements at the Taunton insane hospital, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Massachusetts highway commission.

For the salaries of the Massachusetts highway commission, as authorized by chapter four hundred and thirty-three of the acts of the present year, the sum of eighteen hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the same purpose. Also for necessary statistics, books, stationery, clerical, travelling and incidental expenses, a sum not exceeding five thousand dollars; all of the above to be apportioned by the tax commissioner among the several companies engaged in the business of the transmission of intelligence by electricity within the Commonwealth.

Free employment offices.

For the establishment and maintenance of free employment offices in certain cities, as authorized by chapter four hundred and thirty-five of the acts of the present year, a sum not exceeding five thousand dollars.

Witchmere harbor.

For the further improvement of Witchmere harbor, as authorized by chapter four hundred and forty-one of the acts of the present year, a sum not exceeding ten thousand dollars.

Danvers insane hospital.

For the Danvers insane hospital, for the payment to the town of Danvers for water supply to said hospital, from December first, eighteen hundred and ninety-nine, to May twenty-sixth, nineteen hundred and five, with interest on the same, as authorized by chapter four hundred and forty-two of the acts of the present year, a sum not exceeding twenty-three thousand one hundred eleven dollars and sixteen cents.

Apponegansett harbor.

For the further improvement of Apponegansett harbor in the town of Dartmouth, as authorized by chapter four hundred and forty-three of the acts of the present year, a sum not exceeding ten thousand dollars.

State farm.

For certain improvements at the state farm, as authorized by chapter eighty of the resolves of the present year, a sum not exceeding eleven thousand dollars.

Lowell textile school.

To provide for finishing additional rooms in Kitson and Southwick halls and for other purposes of the Lowell tex-

tile school, as authorized by chapter eighty-one of the resolves of the present year, the sum of thirteen thousand nine hundred and ninety dollars.

For the New England Industrial School for Deaf Mutes, as authorized by chapter eighty-two of the resolves of the present year, the sum of thirty-five hundred dollars.

New England
Industrial
School for
Deaf Mutes.

For certain improvements at the Massachusetts state sanatorium, as authorized by chapter eighty-three of the resolves of the present year, a sum not exceeding sixty-five hundred dollars.

State
sanatorium.

For certain improvements at the Massachusetts School for the Feeble-Minded, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding ten thousand dollars.

Massachusetts
School for the
Feeble-
Minded.

For certain improvements at the Foxborough state hospital, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding fifty-five hundred dollars.

Foxborough
state hospital.

For certain improvements at the Lyman school for boys, as authorized by chapter eighty-six of the resolves of the present year, a sum not exceeding twenty-seven thousand four hundred dollars.

Lyman school
for boys.

For the payment of rental for armories and headquarters for the volunteer militia, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding twelve thousand dollars, the same to be in addition to the sum of twenty-eight thousand dollars appropriated by chapter one hundred and twenty-three of the acts of the year nineteen hundred and five.

Rental of
armories, etc.

For the purchase of a stone crusher for the Massachusetts hospital for epileptics, as authorized by chapter eighty-nine of the resolves of the present year, a sum not exceeding two thousand dollars.

Hospital for
epileptics.

For improving the harbor at Menamsha inlet in the towns of Chilmark and Gay Head, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Menamsha
inlet.

For dredging a channel in Winthrop harbor, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding sixty-five hundred and twenty-five dollars.

Winthrop
harbor.

For John Newington, as authorized by chapter ninety-two of the resolves of the present year, the sum of one hundred and fifty dollars.

John
Newington.

- Highway commission.** For expenses in connection with an investigation and survey of the Newburyport turnpike by the Massachusetts highway commission, as authorized by chapter ninety-three of the resolves of the present year, a sum not exceeding one thousand dollars.
- Worcester insane asylum.** For certain improvements at the Worcester insane asylum, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding sixteen thousand dollars.
- Plymouth harbor.** To provide for a survey and estimate of the cost of improving one of the channels of Plymouth harbor, as authorized by chapter ninety-five of the resolves of the present year, a sum not exceeding four hundred dollars.
- Greylock state reservation.** For enlarging the Greylock state reservation, as authorized by chapter four hundred and forty-eight of the acts of the present year, a sum not exceeding ten thousand dollars.
- Nantucket harbor.** For the further improvement of Nantucket harbor, as authorized by chapter four hundred and fifty-three of the acts of the present year, a sum not exceeding five thousand dollars.
- Dorchester bay.** For the dredging of Dorchester bay by the board of harbor and land commissioners, as authorized by chapter four hundred and fifty-four of the acts of the present year, a sum not exceeding five thousand dollars.
- Additional district attorney, Suffolk district.** For the salary of an additional district attorney for the Suffolk district, as authorized by chapter four hundred and sixty of the acts of the present year, a sum not exceeding nineteen hundred dollars.
- Deacon's pond.** For the construction of a harbor for boats and yachts at Deacon's pond in the town of Falmouth, as authorized by chapter four hundred and sixty-one of the acts of the present year, a sum not exceeding fifteen thousand dollars.
- Clerical assistance, etc., to civil service commissioners.** For clerical assistance, travelling and incidental expenses of the civil service commissioners, as authorized by chapter four hundred and sixty-five of the acts of the present year, a sum not exceeding eighteen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.
- Channel of Ipswich river.** For improving the channel of Ipswich river in the town of Ipswich, as authorized by chapter four hundred and seventy-three of the acts of the present year, a sum not exceeding five thousand dollars.

For an investigation of the sanitary condition of barber shops, as authorized by chapter ninety-six of the resolves of the present year, a sum not exceeding five hundred dollars.

Sanitary condition of barber shops.

For heating, lighting, furnishing and caring for state armories in the Commonwealth erected for the use of the volunteer militia, a sum not exceeding fifteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

State armories.

For giving instruction in riding to non-commissioned officers and others of the militia who are required by law to be mounted, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Instruction in riding to non-commissioned officers, etc., of the militia.

For postage, printing and stationery for the executive department, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Executive department.

For printing and binding the annual report of the state board of insanity, the sum of seventy-five dollars and fifty-eight cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Annual report of state board of insanity.

For the salary of the retired judges of probate and insolvency, as authorized by chapter four hundred and seventy-four of the acts of the present year, a sum not exceeding three thousand dollars.

Retired judges of probate and insolvency.

For the salary of the chief of the district police, as authorized by chapter four hundred and eighty of the acts of the present year, the sum of two hundred thirty-one dollars and ninety-four cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of chief of district police.

For additional riprapping on the westerly bank of the Connecticut river in the town of Agawam, as authorized by chapter four hundred and ninety-one of the acts of the present year, a sum not exceeding thirty-five hundred dollars.

Riprapping on the westerly bank of the Connecticut river.

For expenses in connection with the investigation and report as to the probable cost to the Commonwealth of purchasing, constructing and maintaining armories for the use of the militia, as authorized by chapter ninety-eight of the resolves of the present year, a sum not exceeding five hundred dollars.

Construction and maintenance of armories.

Jetties, breakwaters, etc., in Scituate.

For building jetties, breakwaters, sea walls or other structures in the town of Scituate, as authorized by chapter four hundred and ninety-six of the acts of the present year, a sum not exceeding fifteen thousand eight hundred dollars, the same to be in addition to the eight hundred ten dollars and ninety-seven cents, being the unexpended balance of the amount authorized by chapter four hundred and thirty-four of the acts of the year nineteen hundred.

Expenses of committees.

For authorized expenses of the committees of the present general court, to include clerical assistance to committees authorized to employ the same, also to include compensation and expenses of the committees authorized to sit during the recess, a sum not exceeding thirty thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Additional members of committee on gas, etc.

For compensation of the two additional members of the committee appointed for an investigation and report relative to the price of gas and to the rate of dividends to stockholders of gas companies, as provided for by chapter one hundred and one of the resolves of the year nineteen hundred and five, the sum of four thousand dollars.

State camp ground.

For certain improvements at the state camp ground, as authorized by chapter one hundred and one of the resolves of the present year, a sum not exceeding two thousand dollars.

Relief of consumptives, etc.

For the expenses of a commission to investigate measures for the relief of consumptives and sites for state hospitals for consumptives, as authorized by chapter one hundred and two of the resolves of the present year, a sum not exceeding five thousand dollars.

School physicians.

For expenses in connection with the appointment of school physicians, as provided for by chapter five hundred and two of the acts of the present year, a sum not exceeding fifteen hundred dollars, the same to be expended under the direction of the state board of education.

Secretary of board of registration in veterinary medicine.

For the salary of the secretary of the board of registration in veterinary medicine, as authorized by chapter five hundred and three of the acts of the present year, the sum of one hundred fifty-five dollars and fifty-five cents, the same to be in addition to any amount heretofore appropriated for the same purpose; and for the necessary travelling and contingent expenses of the said secretary, a sum not exceeding three hundred dollars.

For expenses in connection with the commission on industrial education, as authorized by chapter five hundred and five of the acts of the present year, a sum not exceeding eight thousand dollars.

Industrial education.

For expenses in connection with the investigation into the water supply of the city of Lynn, as authorized by chapter five hundred and nine of the acts of the present year, a sum not exceeding two thousand dollars.

Water supply of the city of Lynn.

For the enlargement and improvement of the Wachusett mountain state reservation, as authorized by chapter five hundred and twelve of the acts of the present year, a sum not exceeding five thousand dollars.

Wachusett mountain state reservation.

For the enlargement of the Mount Tom reservation, as authorized by chapter five hundred and fourteen of the acts of the present year, a sum not exceeding five thousand dollars.

Mount Tom reservation.

For the town of Clinton, being an award for damages caused by the construction of the metropolitan water system, as provided for by chapter four hundred and ninety-eight of the acts of the present year, the sum of sixty-four thousand nine hundred and eighty-eight dollars, to be paid out of the Metropolitan Water Maintenance Fund on or before the fifteenth day of November of the present year; said sum to be assessed on the metropolitan water district by the treasurer and receiver general during the present year.

Town of Clinton.

For the salary of the chief inspector of the boiler inspection department of the district police, as authorized by chapter five hundred and twenty-one of the acts of the present year, a sum not exceeding eight hundred thirty-three dollars and thirty-four cents.

Chief inspector of boiler inspection department of the district police.

For the salaries of five additional members of the inspection department of the district police, as authorized by chapter five hundred and twenty-two of the acts of the present year, the sum of thirty-one hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Additional members of inspection department of the district police.

For the salaries of clerks in the inspection department of the district police, as authorized by chapter five hundred and twenty-two of the acts of the present year, a sum not exceeding thirteen hundred thirty-three dollars and thirty-four cents.

Salaries of clerks, etc.

For travelling expenses of the members of the inspection department of the district police, a sum not exceeding

Travelling expenses, etc.

- two thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.
- Chevalier de St. Sauveur.** For the erection by the Commonwealth of a monument to the memory of the Chevalier de St. Sauveur, as authorized by chapter one hundred and four of the resolves of the present year, a sum not exceeding fifteen hundred dollars.
- Massachusetts troops in the revolutionary war.** For the investigation as to the erection of monuments to commemorate the action of the Massachusetts troops in the revolutionary war, as authorized by chapter one hundred and five of the resolves of the present year, a sum not exceeding five hundred dollars.
- Contingent expenses of executive department.** For the contingent expenses of the executive department, as authorized by chapter one hundred and six of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.
- Registration books and blanks.** For registration books and blanks, indexing returns and editing registration report, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.
- Senatorial district maps.** To provide for printing and distributing maps showing the division of the Commonwealth into senatorial districts, as authorized by chapter one hundred and seven of the resolves of the present year, a sum not exceeding five hundred dollars.
- State hospital.** To provide for concrete walks at the state hospital, as authorized by chapter one hundred and eight of the resolves of the present year, a sum not exceeding four thousand dollars.
- Margaret Sullivan.** For Margaret Sullivan, as authorized by chapter one hundred and nine of the resolves of the present year, the sum of four hundred thirty-three dollars and thirty-four cents.

SECTION 2. This act shall take effect upon its passage.

Approved June 29, 1906.

RESOLVES.

RESOLVE TO EXTEND THE TIME WITHIN WHICH REPORT SHALL BE MADE BY THE COMMISSION APPOINTED TO CONSIDER THE NEEDS FOR TECHNICAL EDUCATION IN THE DIFFERENT GRADES OF INDUSTRIAL SKILL AND RESPONSIBILITY. *Chap. 1*

Resolved, That the time within which the commission appointed to consider the needs for technical education in the different grades of industrial skill and responsibility, which was constituted by chapter ninety-four of the resolves of the year nineteen hundred and five, is required to report to the general court, is hereby extended until the second Wednesday of April in the year nineteen hundred and six.

Extending the time in which report shall be made by the commission on technical education, etc.

Approved January 10, 1906.

RESOLVE TO EXTEND THE TIME WITHIN WHICH REPORT SHALL BE MADE BY THE COMMISSION APPOINTED TO INVESTIGATE AND REPORT RELATIVE TO THE PRICE OF GAS AND THE RATE OF DIVIDENDS TO STOCKHOLDERS OF GAS COMPANIES. *Chap. 2*

Resolved, That the time within which the commission appointed to investigate and report relative to the price of gas and the rate of dividends to stockholders of gas companies, which was constituted by chapter one hundred and one of the resolves of the year nineteen hundred and five, is required to report to the general court, is hereby extended until the fourth Wednesday of January in the year nineteen hundred and six.

Extending the time in which report shall be made by the commission to investigate the question as to the price of gas, etc.

Approved January 10, 1906.

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE. *Chap. 3*

Resolved, That, in anticipation of the receipts of the present year, the treasurer and receiver general is hereby authorized to borrow, at any time before the expiration of fifteen days after the meeting of the next general court, such sums of money as may from time to time be necessary for the payment of ordinary demands on the treasury, at

Treasurer may borrow money in anticipation of revenue.

such rates of interest as shall be found necessary; and that he shall repay any sums borrowed under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, is received into the treasury.

Approved January 29, 1906.

Chap. 4 RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS.

Publication
of bulletin
of committee
hearings.

Resolved, That the publication of the bulletin of committee hearings shall be under the control of the joint committee on rules, who shall appoint the editor thereof and fix his compensation. The bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being filed in the auditor's office for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making application therefor, on payment of the sum of two dollars. All sums of money received for the bulletin shall be paid to the treasurer of the Commonwealth once each month.

Approved January 31, 1906.

Chap. 5 RESOLVE TO CONFIRM THE ACTS OF LORING N. FOWLER AS A JUSTICE OF THE PEACE.

Acts of
Loring N.
Fowler,
justice of
the peace,
confirmed.

Resolved, That the acts of Loring N. Fowler of Concord as a justice of the peace, between the twenty-third day of February and the fourteenth day of June in the year nineteen hundred and five, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved February 8, 1906.

Chap. 6 RESOLVE RELATIVE TO THE COMMISSION ON INDUSTRIAL AND TECHNICAL EDUCATION.

Chief of the
bureau of
statistics of
labor to aid
the commis-
sion on in-
dustrial
education,
etc.

Resolved, That the chief of the bureau of statistics of labor is hereby empowered and instructed to aid the commission on industrial and technical education, by furnishing it, upon its request, with the names, addresses, and such other facts concerning children from fourteen to sixteen years of age as may be recorded by the enumerators in taking the decennial census in the year nineteen hundred and five, and as may be designated by said commission. Any

necessary expense incurred hereunder shall be paid out of the appropriation made for the expenses of said commission.
Approved February 8, 1906.

RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE JOINT SPECIAL COMMITTEE ON RAILROAD AND STREET RAILWAY LAWS.

Chap. 7

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, a sum not exceeding seven hundred and fifty dollars, for the purpose of printing and distributing five thousand copies of the report of the joint special committee on railroad and street railway laws.

Report of joint special committee on railroad and street railway laws.

Approved February 8, 1906.

RESOLVE FURTHER TO EXTEND THE TIME WITHIN WHICH REPORT SHALL BE MADE BY THE COMMISSION APPOINTED TO INVESTIGATE AND REPORT RELATIVE TO THE PRICE OF GAS AND THE RATE OF DIVIDENDS TO STOCKHOLDERS OF GAS COMPANIES.

Chap. 8

Resolved, That the time within which the commission appointed to investigate and report relative to the price of gas and the rate of dividends to stockholders of gas companies, which was constituted by chapter one hundred and one of the resolves of the year nineteen hundred and five, is required to report to the general court, is hereby extended to the seventh day of February in the year nineteen hundred and six.

Further extending the time of the commission appointed to investigate the question of the price of gas, etc.

Approved February 12, 1906.

RESOLVE TO CONFIRM THE ACTS OF JOHN TAYLOR AS A JUSTICE OF THE PEACE.

Chap. 9

Resolved, That the acts of John Taylor of Boston as a justice of the peace, between the twenty-second day of July and the twentieth day of August in the year nineteen hundred and five, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of John Taylor, justice of the peace, confirmed.

Approved February 13, 1906.

Chap. 10 RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE SUPERINTENDENT FOR SUPPRESSING THE GYPSY AND BROWN TAIL MOTHS.

Report of superintendent for suppressing the gypsy and brown tail moths.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, for the purpose of printing and distributing five thousand copies of the report of the superintendent for suppressing the gypsy and brown tail moths.

Approved February 16, 1906.

Chap. 11 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO RECODIFY THE INSURANCE LAWS OF THE COMMONWEALTH.

Commission to recodify the insurance laws, appointment, etc.

Resolved, That a commission of three persons be appointed by the governor, with the advice and consent of the council, to recodify at once the insurance laws of the Commonwealth, such recodification to be submitted to the present general court on or before the fifteenth day of April. This commission shall be available for consultation as experts on such matters as the joint committee on insurance may bring to their attention or as to which the executive department may desire expert information. The services of this commission shall cease with the prorogation of the present general court unless sooner terminated by the governor. Suitable clerical assistance may be employed by this commission, and compensation, to be paid from the treasury of the Commonwealth, shall be fixed by the governor and council.

Approved February 20, 1906.

Chap. 12

RESOLVE IN FAVOR OF SAMUEL HILLMAN.

Samuel Hillman.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Samuel Hillman of North Adams, an annuity of three hundred and sixty dollars, payable in equal quarterly instalments, during his life, beginning with the first day of January in the year nineteen hundred and seven, for injuries sustained by him while he was employed at the Hoosac tunnel, his injuries being caused by an explosion of nitro-glycerine negligently placed by employees of the Commonwealth.

Approved March 1, 1906.

RESOLVE IN FAVOR OF CERTAIN RELIGIOUS SOCIETIES IN THE TOWN OF SUDBURY. *Chap. 13*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the First Parish in Sudbury, the Methodist Episcopal Church in Sudbury, and the Memorial Congregational Church in South Sudbury, all being named in the will of Joanna Gleason, late of said Sudbury, deceased, respectively as "the Unitarian Society and the Methodist Society both in the centre of said Sudbury and the Orthodox Society of South Sudbury", the sum of one hundred and fifty dollars each, being the sums paid to the Commonwealth, April 18, 1899, as taxes upon the legacies given to said societies by said will.

Certain religious societies in the town of Sudbury.

Approved March 1, 1906.

RESOLVE IN FAVOR OF THE CHILDREN OF JEREMIAH FORD. *Chap. 14*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth an annuity of five hundred dollars, for the term of five years, to Julia Ford, Catherine Ford and Ellen Ford, all of Cambridge, minors, whose father was killed while at work on the marble panels in Memorial Hall in the state house in the month of December, nineteen hundred and one; the annuity to begin on the first day of January, nineteen hundred and seven, and to be paid in equal quarterly instalments. Should any of the said children die, the annuity aforesaid shall be paid for the remainder of the term to the surviving children.

Children of Jeremiah Ford.

Approved March 1, 1906.

RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE REVOLUTIONARY WAR. *Chap. 15*

Resolved, That the secretary of the Commonwealth is hereby authorized and directed to continue the preparation and publication of an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war, as shown by the archives in the office of the secretary of the Commonwealth, and that he may expend therefor a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore authorized for that purpose.

Revolutionary war records.

Approved March 1, 1906.

Chap. 16 RESOLVE TO PROVIDE FOR REIMBURSING ELLEN GALLAGHER FOR THE FUNERAL EXPENSES OF A SPANISH WAR VETERAN.

Ellen
Gallagher.

Resolved, That the duly appointed burial agent of the city of Lynn is hereby authorized and directed to receive and forward to the commissioner of state aid and pensions the application of Ellen Gallagher of Lynn, mother of Thomas B. Gallagher, deceased, a veteran of the war between the United States and Spain, for the payment to her of the sum of thirty-five dollars on account of the funeral expenses of the said Thomas B. Gallagher, said sum being the amount allowable for burial of certain persons under sections seventeen and eighteen of chapter three hundred and eighty-one of the acts of the year nineteen hundred and four; and the commissioner of state aid and pensions is hereby authorized and directed to receive the application so made and to examine and approve it in the same manner and under the same regulations and restrictions and with the same effect as he would have done if said application had been made within thirty days after the death of the said Thomas B. Gallagher.

Approved March 1, 1906.

Chap. 17 RESOLVE TO PROVIDE FOR THE MAINTENANCE AND REPAIR OF CERTAIN APPARATUS USED IN THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Maintenance,
etc., of ap-
paratus used
in the exam-
ination of
engineers, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two hundred and fifty dollars, to be expended under the direction of the chief of the district police for the maintenance and necessary repair of apparatus used by the members of the boiler inspection department of the district police in the examination of engineers and firemen.

Approved March 1, 1906.

Chap. 18 RESOLVE TO AUTHORIZE THE PUBLICATION OF THE OPINIONS OF THE ATTORNEY-GENERAL.

Publication of
opinions of
the attorney-
general.

Resolved, That the attorney-general is hereby authorized to collect and publish in a volume properly indexed and digested such of the official opinions heretofore published as an appendix to the annual reports of the attorney-general during the years eighteen hundred and ninety-nine to nine-

teen hundred and five, inclusive, as he may deem to be of public interest or useful for reference. One copy shall be sent to each public and law library in the Commonwealth, and the remainder may be sold or otherwise disposed of at the discretion of the secretary of the Commonwealth. A sum not exceeding twenty-five hundred dollars may be expended in carrying out the provisions of this resolve.

Approved March 9, 1906.

RESOLVE TO PROVIDE FOR THE PUBLICATION OF THE RULES OF THE SUPERIOR COURT. *Chap. 19*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended by the superior court, under the direction of the chief justice thereof, for the publication for distribution throughout the Commonwealth of the revised rules governing the course of procedure in the superior court established pursuant to statutory authority, and for such other printing in connection with the work of said court as may be required.

Publication of
rules of the
superior court.

Approved March 9, 1906.

RESOLVE IN FAVOR OF THOMAS J. REGAN.

Chap. 20

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Thomas J. Regan, a private in company C, fifth regiment, Massachusetts volunteer militia, the sum of ninety dollars, for loss of time on account of injuries received by him while performing military duty at Manassas, Virginia, on the tenth day of September in the year nineteen hundred and four.

Thomas J.
Regan.

Approved March 9, 1906.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY. *Chap. 21*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of thirty thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the said infirmary during the year nineteen hundred and six.

Massachusetts
Charitable
Eye and Ear
Infirmary.

Approved March 9, 1906.

Chap. 22Augustus P.
Calder, Junior.

RESOLVE IN FAVOR OF AUGUSTUS P. CALDER, JUNIOR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred dollars to Augustus P. Calder, Junior, a member of troop D, first squadron of cavalry, Massachusetts volunteer militia, in full compensation for the loss sustained and expenses incurred by him on account of the death of a horse owned by the said Calder and ridden by him under military orders, at Westfield, on the eighth day of July in the year nineteen hundred and five.

Approved March 9, 1906.

Chap. 23Henry T.
Mangan.

RESOLVE IN FAVOR OF HENRY T. MANGAN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Henry T. Mangan of Lowell the sum of one hundred dollars, in full compensation for the loss of a horse owned by him and for expenses incurred for veterinary treatment, the said horse having necessarily been killed on account of injuries received while in use by a member of the state militia at the state camp at Westfield in July, nineteen hundred and five.

Approved March 14, 1906.

Chap. 24County tax,
Franklin.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and six:—

For interest on county debt, a sum not exceeding one thousand one hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding two thousand three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding eight thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eleven thousand dollars.

For criminal costs in the superior court, a sum not exceeding three thousand dollars. County tax, Franklin.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand two hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For law libraries, a sum not exceeding five hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand three hundred eighty-one dollars and ninety-four cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-six thousand four hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 16, 1906.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 25*
HAMPDEN.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and six: — County tax, Hampden.

For interest on county debt, a sum not exceeding eleven thousand five hundred dollars.

County tax,
Hampden.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seventeen thousand dollars.

For clerical assistance in county offices, a sum not exceeding seven thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixteen thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For building county buildings, a sum not exceeding nineteen thousand nine hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-one thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding ten thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eight thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding six thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand seventy-four dollars and ninety cents.

For the care and maintenance of the Mount Tom state reservation, a sum not exceeding three thousand four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of

one hundred and eighty-four thousand three hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. County tax,
Hampden.

Approved March 16, 1906.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX. Chap. 26

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and six: — County tax,
Middlesex.

For interest on county debt, a sum not exceeding forty thousand dollars.

For reduction of county debt, a sum not exceeding forty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding sixty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding ninety thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and forty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding sixty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixty-five thousand dollars.

For trial justices, a sum not exceeding four thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding fifteen thousand dollars.

For auditors, masters and referees, a sum not exceeding fifteen thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty-three thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding sixty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding fourteen thousand dollars.

County tax,
Middlesex.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding twenty-seven thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding eight thousand fifty-five dollars and fifty-six cents.

For the construction of state highways, a sum not exceeding twenty thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of six hundred and sixteen thousand nine hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 16, 1906.

Chap. 27 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH.

County tax,
Plymouth.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and six: —

For interest on county debt, a sum not exceeding four thousand five hundred dollars.

For reduction of county debt, a sum not exceeding twenty-two thousand three hundred dollars and fifty-six cents.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eleven thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding five thousand six hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-one thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighteen thousand dollars.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding nine thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars. County tax, Plymouth.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirteen thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding four thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding seven thousand dollars.

For truant schools, a sum not exceeding two thousand three hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand five hundred sixteen dollars and fifty-three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and twenty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 16, 1906.

RESOLVE TO PROVIDE FOR THE EXPENSES OF A RIFLE TEAM TO PARTICIPATE IN COMPETITIONS FOR NATIONAL AND OTHER TROPHIES.

Chap. 28

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended by the inspector general of small arms practice under the direction of the adjutant general, in defraying the expenses of a rifle team to participate in the competitions for national and other trophies, to be held at such time and place as shall hereafter be determined. Rifle team of the militia to take part in competitions, etc.

Approved March 16, 1906.

RESOLVE IN FAVOR OF ALBERT E. KEEN.

Chap. 29

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred Albert E. Keen.

and twenty-five dollars to Albert E. Keen, in full compensation for injuries to a horse owned by him, and for expenses in connection therewith, the said horse having been let to Lieutenant Walter C. Stevens of the signal corps, second brigade, Massachusetts volunteer militia, and having been injured while being ridden under military orders at Manassas, Virginia, on the twelfth day of September in the year nineteen hundred and four.

Approved March 20, 1906.

Chap. 30 RESOLVE RELATIVE TO PLACING IN THE STATE HOUSE A PORTRAIT OF ABRAHAM LINCOLN.

Portrait of
Abraham
Lincoln.

Resolved, That the governor and council be authorized and requested to examine the full length portrait of Abraham Lincoln by Albion H. Bicknell, and if, in their opinion, the same is artistically worthy of the subject and the place, to purchase the portrait and cause it to be hung in Memorial Hall or elsewhere in the state house. For the above purpose they may expend a sum not exceeding twenty-one hundred dollars. *Approved March 20, 1906.*

Chap. 31 RESOLVE TO PROVIDE FOR A SURVEY BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF THE HARBOR OF WEST FALMOUTH IN THE TOWN OF FALMOUTH.

Survey of the
harbor of West
Falmouth.

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to make a survey of the channel of the harbor of West Falmouth in the town of Falmouth and to report thereon to the general court, with estimates of the cost of dredging the channel to such depth and width as the board may deem advisable. For the purposes of this resolve the board may expend a sum not exceeding five hundred dollars.

Approved March 20, 1906.

Chap. 32 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARNSTABLE.

County tax,
Barnstable.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and six: —

For interest on county debt, a sum not exceeding one thousand five hundred dollars.

For reduction of county debt, a sum not exceeding two thousand dollars. County tax, Barnstable.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand dollars.

For clerical assistance in county offices, a sum not exceeding one thousand two hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding five thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding four thousand one hundred dollars.

For criminal costs in the superior court, a sum not exceeding four thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding one thousand eight hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of thirty-two thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 20, 1906.

Chap. 33 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES COUNTY.

County tax,
Dukes County.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and six: —

For interest on county debt, a sum not exceeding two hundred dollars.

For reduction of county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding nine hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five hundred dollars.

For criminal costs in the superior court, a sum not exceeding four hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven hundred and fifty dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two hundred dollars.

For auditors, masters and referees, a sum not exceeding two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding one thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the

current year, in the manner provided by law, the sum of eight thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. County tax, Dukes County.

Approved March 20, 1906.

RESOLVE TO PROVIDE FOR COMPENSATING EDWARD G. CHAMBERLAIN FOR SERVICES IN RESPECT TO THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS.

Chap. 34

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of eight hundred and forty-nine dollars to Edward G. Chamberlain of Newton, in full compensation for services rendered and expenses incurred by him in respect to the topographical survey and map of Massachusetts. Edward G. Chamberlain.

Approved March 22, 1906.

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF ASSESSMENTS FOR THE METROPOLITAN DISTRICTS AND FOR ARMORIES.

Chap. 35

Resolved, That in anticipation of the assessments of the present year for the metropolitan districts and for armories, the treasurer and receiver general is hereby authorized to borrow at any time before December first, nineteen hundred six, such sums of money as may from time to time be necessary for the payment of the interest and maintenance charges of the metropolitan districts and of armories, at such rates of interest as shall be found necessary, and that he shall repay any sums borrowed under this resolve as soon after said assessments are paid as is expedient; and the treasurer and receiver general is hereby authorized to collect from the cities and towns of said metropolitan districts and armories proportionately, all interest that may be paid upon money borrowed under this resolve. Treasurer to borrow money in anticipation of certain revenue.

Approved March 24, 1906.

RESOLVES TO PROVIDE FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS.

Chap. 36

Resolved, That the special laws of this Commonwealth, passed in the years nineteen hundred and two to nineteen hundred and five, inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a Publication of special laws.

volume as nearly as may be in conformity with the volume of special laws last printed.

Resolved, That fifteen hundred copies of the volume aforesaid be printed and distributed as follows:— One hundred copies for use in the various state offices and in the committee rooms and offices of the two branches of the general court; one copy to each member of the present general court; one copy to each of the justices of the supreme judicial and superior courts and to each judge of probate and insolvency; two hundred copies for the state library, six copies of which shall be preserved upon the shelves, and the residue used in exchanges; one copy to each city and town in the Commonwealth, to be placed in the city or town library, when such library exists; one copy to each public and each incorporated library in the Commonwealth, other than a city or town library; one copy to each registry of deeds; one copy to each of the clerks of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purpose of re-sale. The secretary will cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office a paper stating that fact, and that such copy is to be transmitted by the present incumbent at the expiration of his term of office to his successor in such office.

Approved April 5, 1906.

Chap. 37 RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE ADJUSTMENT OF THE PRICE OF GAS TO CONSUMERS AND THE RATE OF DIVIDENDS TO STOCKHOLDERS OF GAS COMPANIES.

Report of committee to consider adjustment of the price of gas, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, a sum not exceeding one hundred dollars, for printing three thousand copies of the report of the committee appointed under chapter one hundred and one of the resolves of the year nineteen hundred and five, to consider the automatic and interdependent adjustment of the price of gas to consumers, and the rate of dividends to stockholders of

gas companies, said copies to be distributed under the direction of the board of gas and electric light commissioners.

Approved April 5, 1906.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 38*
BERKSHIRE.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and six: — County tax,
Berkshire.

For interest on county debt, a sum not exceeding three thousand five hundred dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding fourteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-one thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding one hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding six thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding sixteen thousand dollars.

For truant schools, a sum not exceeding two thousand dollars.

County tax,
Berkshire.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand eight hundred twenty-six dollars and twelve cents.

For the care and maintenance of the Greylock state reservation, a sum not exceeding one thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and two thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1906.

Chap. 39

Milo B.
Stearns.

RESOLVE IN FAVOR OF MILO B. STEARNS.

Resolved, That an annuity of five hundred dollars be paid from the treasury of the Commonwealth, beginning with the first day of January in the year nineteen hundred and six, to Milo B. Stearns of Concord, as compensation for injuries received by him while in the discharge of his duty as an officer at the Massachusetts reformatory, in consequence of which he was permanently incapacitated for performing any labor.

Approved April 7, 1906.

Chap. 40

George Mesick.

RESOLVE IN FAVOR OF GEORGE MESICK.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of three hundred fifty dollars and eighty-three cents to George Mesick of Westfield, in full compensation for the loss of property sustained by him on the twelfth day of July in the year nineteen hundred and five, during the encampment of the Massachusetts volunteer militia at Westfield.

Approved April 7, 1906.

Chap. 41

Massachusetts
Agricultural
College.

RESOLVE TO PROVIDE FOR CERTAIN ADDITIONS AND IMPROVEMENTS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, a sum not exceeding seventy-five thousand three hundred dollars, to be expended by the Massachusetts Agricultural College, under the direction of the trustees thereof, for the following purposes:— For erecting, heating and equip-

ping a building for the use of the botanical department, a sum not exceeding forty-five thousand dollars; for the erection of a new barn and a new wagon house, a sum not exceeding twenty-one thousand three hundred dollars; for the erection of a new building to be used by the dairy department, a sum not exceeding three thousand dollars; for the erection of a new piggery, a sum not exceeding one thousand dollars; for repairs of the present buildings, a sum not exceeding three thousand dollars; and for the further maintenance of the college, a sum not exceeding two thousand dollars.

Approved April 11, 1906.

RESOLVE TO PROVIDE FOR COMPLETING THE BUILDING FOR DISTURBED MALE PATIENTS AT THE MEDFIELD INSANE ASYLUM. *Chap. 42*

Resolved, That the trustees of the Medfield insane asylum may expend for completing the building for disturbed male patients at the Medfield insane asylum the unexpended balance of the Medfield Insane Asylum Loan Fund, amounting to nineteen hundred twenty-four dollars and twenty-three cents, being the unexpended balance for the building for disturbed women patients, authorized by chapter four hundred and nine of the acts of the year nineteen hundred and two; also the unexpended balance, amounting to twenty-nine hundred twenty-five dollars and forty-nine cents, of the amount appropriated for painting buildings and iron work, as authorized by chapter sixty of the resolves of the year nineteen hundred and four.

Medfield
insane asylum.

Approved April 12, 1906.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK. *Chap. 43*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and six: —

County tax,
Norfolk.

For interest on county debt, a sum not exceeding twenty-one thousand dollars.

For reduction of county debt, a sum not exceeding twenty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nineteen thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding nineteen thousand dollars.

County tax,
Norfolk.

For salaries and expenses of district and police courts, a sum not exceeding thirty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-one thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-one thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding five thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding fifteen thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-five thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars.

For truant schools, a sum not exceeding four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand three hundred eighty-eight dollars and fifty-five cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and twenty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 12, 1906.

Chap. 44

Lemuel D.
Burr and
Anna Burr.

RESOLVE IN FAVOR OF LEMUEL D. BURR AND ANNA BURR.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue the sum of one hundred and fifty dollars, to Lemuel D. Burr and Anna Burr, children of the late Lemuel Burr of Cambridge, who was a member of the Ponkapoag tribe of Indians, for their support. *Approved April 12, 1906.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX. *Chap. 45*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and six: —

County tax,
Essex.

For interest on county debt, a sum not exceeding twenty-six thousand dollars.

For reduction of county debt, a sum not exceeding forty-one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-two thousand dollars.

For clerical assistance in county offices, a sum not exceeding sixteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty-one thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-eight thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-six thousand dollars.

For trial justices, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twelve thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-one thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty thousand dollars.

For law libraries, a sum not exceeding three thousand dollars.

County tax,
Essex.

For truant schools, a sum not exceeding fifteen thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand one hundred ninety-five dollars and six cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and forty-one thousand six hundred dollars to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 12, 1906.

Chap. 46 RESOLVE TO AUTHORIZE CERTAIN PAYMENTS TO THE OFFICERS AND ENLISTED MEN OF COMPANIES A, H, I AND L, OF THE FIFTH REGIMENT OF THE VOLUNTEER MILITIA.

Payments to
certain officers
and men of
the militia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the officers and enlisted men of companies A, H, I and L, of the fifth regiment of infantry, Massachusetts volunteer militia, who were present for duty and paraded, pursuant to the orders of the governor, as escort at the funeral of Major Walter E. Morrison, late of the fifth regiment, at Braintree, on November fourteenth, nineteen hundred and two, and at the funeral of Major Herbert A. Clark, late of the staff of the second brigade, at Attleborough, on February nineteenth, nineteen hundred and three, as shown by the muster rolls for said tours of duty, a sum not exceeding two hundred eighty-six dollars and thirty-two cents, this sum being the amount to which they were entitled but which they failed to receive as a travelling allowance for said tours of duty, under the provisions of section one hundred and fifty-one of chapter sixteen of the Revised Laws.

Approved April 12, 1906.

Chap. 47 RESOLVE IN ADDITION TO A RESOLVE TO PROVIDE FOR AN EXHIBITION OF THE MEANS AND METHODS OF TREATING AND PREVENTING TUBERCULOSIS.

Treatment and
prevention of
tuberculosis,
etc.

Resolved, That the state board of health is hereby authorized to expend the sum of six hundred ninety-seven dollars and twenty-five cents for the payment of bills in connection with the public exhibition of the means and methods of treating and preventing tuberculosis, the same

to be in addition to the amount authorized by chapter seventy-five of the resolves of the year nineteen hundred and five.

Approved April 14, 1906.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AT THE REFORMATORY PRISON FOR WOMEN. *Chap. 48*

Resolved, That there be allowed and paid out of the Reformatory Prison for Women Industries Fund a sum not exceeding five thousand dollars, to be expended at the reformatory prison for women under the direction of the prison commissioners, for the following purposes: — For repairing roofs of dwelling houses of subordinate officers and putting new sills under stock barn, a sum not exceeding twenty-six hundred dollars; for rebuilding soap-house of brick with cement floor, a sum not exceeding twelve hundred dollars; and for repairing windows and painting inside woodwork, a sum not exceeding twelve hundred dollars.

Reformatory
prison for
women.

Approved April 14, 1906.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AT THE MASSACHUSETTS REFORMATORY. *Chap. 49*

Resolved, That there be allowed and paid out of the Massachusetts Reformatory Industries Fund a sum not exceeding eight thousand dollars, to be expended at the Massachusetts reformatory under the direction of the prison commissioners, for the following purposes: — For providing additional means for the disposal of sewage, a sum not exceeding fifty-five hundred dollars; and for putting electric light fixtures and appliances into the houses of the subordinate officers, a sum not exceeding twenty-five hundred dollars.

Massachusetts
reformatory.

Approved April 21, 1906.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AT THE STATE PRISON. *Chap. 50*

Resolved, That there be allowed and paid out of the State Prison Industries Fund a sum not exceeding five thousand dollars, to be expended at the state prison under the direction of the prison commissioners, for the following purposes: — For repairs on shop buildings, a sum not exceeding three thousand dollars; and for special repairs on houses occupied by the subordinate officers, a sum not exceeding two thousand dollars.

State prison.

Approved April 21, 1906.

Chap. 51 RESOLVE TO PROVIDE FOR THE PUBLICATION OF THE PROCEEDINGS AT THE FRANKLIN BI-CENTENNIAL CELEBRATION.

Franklin
Bi-Centennial
Celebration.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the Franklin Bi-Centennial Committee, a sum not exceeding seven hundred dollars for the publication of the proceedings of the celebration: *provided*, that a like sum is appropriated by the city of Boston for the same purpose.

Approved April 23, 1906.

Chap. 52 RESOLVE TO AUTHORIZE THE MASSACHUSETTS HIGHWAY COMMISSION TO REPORT ON THE ADVISABILITY OF MAKING A PART OF WASHINGTON STREET IN THE CITY OF BOSTON A STATE HIGHWAY.

The highway
commission
to report on
the advisa-
bility of mak-
ing a part of
Washington
street in
Boston a
state highway.

Resolved, That the Massachusetts highway commission is hereby authorized to investigate and report to the general court not later than January fifteenth in the year nineteen hundred and seven, as to the advisability and probable expense to the Commonwealth of taking, constructing and maintaining as a state highway, at a width of not less than seventy feet, Washington street, in that part of Boston called West Roxbury, from the entrance to the Stony Brook reservation of the metropolitan park system, at or near Schubert street, so-called, to the boundary line between the town of Dedham and the city of Boston.

Approved April 23, 1906.

Chap. 53 RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Trustees of
the Soldiers'
Home.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to The Trustees of the Soldiers' Home in Massachusetts the sum of sixty thousand dollars, for the purpose of aiding in the maintenance of the said home during the current year, and for installing an elevator; of which amount a sum not exceeding three thousand dollars shall be expended in installing an elevator in the said home.

Approved April 27, 1906.

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF BLOCK OR OTHER SIGNALS AND SAFEGUARDS FOR USE UPON STEAM RAILROADS. *Chap. 54*

Resolved, That the board of railroad commissioners is hereby authorized to expend a sum not exceeding twenty-five hundred dollars in the investigation of block or other signals, fire extinguishing apparatus and other safeguards for use in connection with the operation of steam railroads. The expenses incurred by said commissioners under the provisions of this resolve shall be assessed upon the steam railroad companies in accordance with the provisions of chapter four hundred and twenty-nine of the acts of the year nineteen hundred and four.

Block and other signals on steam railroads.

Approved April 28, 1906.

RESOLVE TO PROVIDE FOR INVESTIGATING AND TESTING SAFETY AND OTHER DEVICES FOR USE UPON STREET CARS. *Chap. 55*

Resolved, That the board of railroad commissioners is hereby authorized to expend the sum of twenty-five hundred dollars for the purpose of investigating and testing safety or other devices for use upon street cars, including fenders, wheel guards, emergency tools, ventilating or lighting apparatus and any other device for increasing security or comfort in travel. Said board shall, prior to the first day of January in the year nineteen hundred and seven, give public notice, in such manner as the board may determine, of a time and place when and where any person presenting a fender of full size, which he is ready at his own expense to attach to a car, may have opportunity to exhibit the workings of such fender. The expenses incurred by the commissioners under the provisions of this resolve shall be assessed upon the street railway companies in accordance with the provisions of chapter four hundred and twenty-nine of the acts of the year nineteen hundred and four.

Safety and other devices on street cars.

Approved April 28, 1906.

RESOLVE IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL. *Chap. 56*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of eighteen thousand dollars, to be expended by the trustees of the New Bedford textile school for the purposes of the school: *pro-*

New Bedford textile school.

vided, that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of accounts that an additional sum of seven thousand dollars has been paid to the said trustees by the city of New Bedford or received by them from other sources. The city of New Bedford is hereby authorized to raise by taxation and pay to said trustees such sum of money not exceeding seven thousand dollars as may be necessary to secure the amount provided for by this resolve.

Approved April 28, 1906.

Chap. 57 RESOLVE RELATIVE TO THE DISTRIBUTION, USE AND PRESERVATION OF STATE PUBLICATIONS.

Distribution,
etc., of state
publications.

Resolved, That the secretary of the Commonwealth, the commissioner of public records, and the state librarian are hereby authorized and requested to investigate the matter of the distribution, use and preservation of the various state publications distributed to the cities and towns of the Commonwealth, and to consider what measures, if any, should be taken to insure the safe and proper keeping of such publications in places where they will be accessible to all citizens of the Commonwealth. The said persons shall report to the next general court during the first week of the session, with such suggestions for legislation as they may deem expedient.

Approved April 28, 1906.

Chap. 58 RESOLVE TO AUTHORIZE AN EXPENDITURE FOR WATER SUPPLY AND OTHER EXPENSES AT THE HOSPITAL PRISON IN RUTLAND.

Water supply,
etc., at the
hospital prison
at Rutland.

Resolved, That there be allowed and paid out of the State Prison Industries Fund a sum not exceeding five thousand dollars, to be expended under the direction of the prison commissioners at the hospital prison in Rutland, for providing a water supply for said hospital, for providing means for the disposal of sewage, and for the support of the hospital in the current year.

Approved April 28, 1906.

Chap. 59 RESOLVE TO PROVIDE FOR A COMPARATIVE INVESTIGATION OF DRAWN AND UNDRAWN POULTRY WHEN SHIPPED OR STORED.

Investigation
of poultry.

Resolved, That the state board of health is hereby directed to investigate what unwholesome changes, if any,

take place in the flesh of poultry shipped or stored without the removal of the head, crop and entrails, as compared with the flesh of poultry from which the same have been removed. For this purpose the board may expend a sum not exceeding three thousand dollars, and it shall report the result of its observations and conclusions to the next general court.

Approved April 28, 1906.

RESOLVE RELATIVE TO THE CUSTODY OF THE RECORDS AND PLANS OF THE PROPRIETORS OF DARTMOUTH. *Chap. 60*

Resolved, That all records and plans of the Proprietors of Dartmouth shall, under the direction of the commissioner of public records, be deposited in the registry of deeds for the southern district of the county of Bristol.

Records, etc.,
of the Proprietors of
Dartmouth.

Approved April 28, 1906.

RESOLVE TO AUTHORIZE A PAYMENT TO CERTAIN OFFICERS AND MEN OF THE MASSACHUSETTS VOLUNTEER MILITIA FOR EXPENSES IN CONNECTION WITH INSTRUCTION IN RIDING. *Chap. 61*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen hundred eighty-two dollars and eighty-five cents, being the amount actually expended in good faith by certain officers and men of the Massachusetts volunteer militia for instruction in riding, as authorized by section one hundred and fifty-seven of chapter four hundred and sixty-five of the acts of the year nineteen hundred and five.

Instruction in
riding to the
mounted
militia.

Approved May 3, 1906.

RESOLVE TO PROVIDE FOR A PORTRAIT BUST OF GEORGE FRISBIE HOAR. *Chap. 62*

Resolved, That the governor and council are hereby authorized to expend a sum not exceeding five thousand dollars for the purpose of procuring a portrait bust of George Frisbie Hoar, and of carrying into effect, so far as they may deem it advisable, the recommendations of the committee appointed under authority of chapter eight of the resolves of the year nineteen hundred and five.

Bust of George
Frisbie Hoar.

Approved May 3, 1906.

Chap. 63

RESOLVE IN FAVOR OF JOHN J. QUINN.

John J. Quinn.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John J. Quinn the sum of twenty-five hundred dollars as full compensation for an accidental injury received by him on the eleventh day of October in the year nineteen hundred, on the training ship Enterprise, upon which he was serving as a naval cadet, which injury resulted in the loss of his right forearm.

Approved May 3, 1906.

Chap. 64

RESOLVE TO AUTHORIZE THE SALE OF A PARCEL OF LAND AT THE REFORMATORY PRISON FOR WOMEN.

Reformatory
prison for
women.

Resolved, That the prison commissioners, with the approval of the governor and council, are hereby authorized to sell by public auction or at private sale a lot of land belonging to the Commonwealth which is situated on Herbert street, South Framingham, containing about fifty-three thousand square feet, and separated by said street from the premises of the reformatory prison for women; and the said commissioners in behalf of the Commonwealth may convey said land to the purchaser, and shall pay the proceeds of such sale into the treasury of the Commonwealth.

Approved May 3, 1906.

Chap. 65

RESOLVE RELATIVE TO THE JAMESTOWN TER-CENTENNIAL EXPOSITION.

Jamestown
ter-centennial
exposition.

Resolved, That, for the purpose of providing at the Jamestown ter-centennial exposition, to be held on the shores and waters of Hampton Roads in the state of Virginia, in the year nineteen hundred and seven, a suitable representation of the resources, products and progress of the Commonwealth, a board of Jamestown Exposition Managers for Massachusetts, consisting of five residents of the Commonwealth, shall be appointed by the governor, with the advice and consent of the council. They shall have charge of the interests of the Commonwealth and of its citizens in the preparation and exhibition at said exposition of the natural and industrial products of the Commonwealth and of objects illustrating its history, progress and moral and material welfare and development. They shall communicate with the officers of the exposition and they shall obtain and shall disseminate throughout the

Commonwealth all necessary information regarding it, and in general shall have and exercise full authority in relation to the participation of the Commonwealth and its citizens in the exposition. In carrying out the provisions of this resolve there shall be placed at the disposal of the governor and council a sum not exceeding fifty thousand dollars, to be expended by them in such manner as they shall deem for the best interests of the Commonwealth: *provided, however, that not more than thirty thousand dollars shall be expended during the year nineteen hundred and six.* The board of managers hereby provided for shall serve without compensation.

Approved May 7, 1906.

RESOLVE TO PROVIDE FURTHER FOR SUPPRESSING THE GYPSY
AND BROWN TAIL MOTHS. Chap. 66

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five thousand dollars, to be expended in suppressing the gypsy and brown tail moths in accordance with the provisions of chapter three hundred and eighty-one of the acts of the year nineteen hundred and five, entitled "An Act to provide for suppressing the gypsy and brown tail moths." The said amount shall be in addition to any sums already appropriated for the same purpose, and may be expended in the current year or in succeeding years.

Gypsy and
brown tail
moths.

Approved May 8, 1906.

RESOLVE IN FAVOR OF THE BRADFORD DURFEE TEXTILE SCHOOL
OF FALL RIVER. Chap. 67

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum of fifteen thousand dollars, to be applied to the purposes of the school: *provided, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of five thousand dollars has been paid to said trustees by the city of Fall River or has been received by them from other sources.* The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding five thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Bradford
Durfee Textile
School of Fall
River.

Approved May 11, 1906.

Chap. 68
Lowell textile
school.

RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Lowell textile school the sum of twenty-nine thousand dollars, to be applied to the purposes of the said school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of eight thousand dollars has been paid to said trustees by the city of Lowell or has been received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved May 11, 1906.

Chap. 69 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,
Hampshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and six:—

For interest on county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand one hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding ten thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eleven thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For building county buildings, a sum not exceeding ten thousand dollars. County tax, Hampshire.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand and seventy-seven dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of sixty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved May 11, 1906.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER. *Chap. 70*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and six: — County tax, Worcester.

For interest on county debt, a sum not exceeding ten thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-six thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding fifty thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-two thousand dollars.

County tax,
Worcester.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For trial justices, a sum not exceeding three thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand dollars.

For auditors, masters and referees, a sum not exceeding seven thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-four thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding thirteen thousand one hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources,* for the above purposes. *Approved May 11, 1906.*

Chap. 71 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS AS TO THE EQUIPPING OF GAS FIXTURES WITH SELF-CLOSING DEVICES.

Investigation,
etc., as to
equipping gas
fixtures with
self-closing
devices.

Resolved, That the board of gas and electric light commissioners is hereby requested to investigate the feasibility and desirability of equipping gas fixtures with self-closing devices, including the cost and efficiency of such devices, and to report to the general court on or before the second Wednesday of January next the result of such investigation, with such recommendations as the board may deem advisable.

Approved May 12, 1906.

RESOLVE IN FAVOR OF THE WIDOW OF JOHN B. HOLLIS.

Chap. 72

Resolved, That there be allowed and paid out of the appropriation for the year nineteen hundred and six for the compensation of assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, to Gertrude W. Hollis, widow of John B. Hollis, late a messenger to the house of representatives, who died on the eighth day of February in the year nineteen hundred and six, the sum of seven hundred twenty-one dollars and forty-three cents, being the amount which he would have been entitled to receive had he lived and served as messenger until the end of the present session.

Widow of
John B. Hollis.*Approved May 21, 1906.*

RESOLVE IN FAVOR OF HARRY HOLLEY.

Chap. 73

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Harry Holley of Attleborough the sum of nine hundred and eighty dollars, as compensation for injuries which he received while in the discharge of his duty as a member of the state militia at Manassas in the state of Virginia in the year nineteen hundred and four, and to reimburse him for the expenses to which he was put and for the loss which he sustained on account of the said injuries.

Harry Holley.

Approved May 22, 1906.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE COMMISSIONERS ON FISHERIES AND GAME AS TO SCALLOPS AND LOBSTERS.

Chap. 74

Resolved, That the commissioners on fisheries and game be authorized and directed to investigate and report upon the life history, feeding and breeding habits of scallops and lobsters, and to make any investigations which may assist in devising methods of commercial propagation of these animals, or of increasing the market supply. The said commissioners are authorized to establish and adequately protect structures and areas of land or water wherein such animals may be kept under observation, and to protect animals or material contained therein, and to erect or lease such areas of land or water, buildings, boats or other structures, as in their opinion may be necessary for the proper pursuit of the above objects. Said commis-

Investigation,
etc., as to
scallops and
lobsters.

sioners may expend for the purposes of this resolve a sum not exceeding fifteen hundred dollars a year for a period of three years.

Approved May 24, 1906.

Chap. 75 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE COLONY FOR THE INSANE.

State colony
for the insane.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fourteen thousand two hundred and fifty dollars, to be expended at the state colony for the insane under the direction of the trustees thereof, for the following purposes: — For finishing and furnishing the attic of the administration building for the use of officers, a sum not exceeding forty-seven hundred and fifty dollars; for the purchase of fire apparatus, a sum not exceeding fifteen hundred dollars; and for the alteration and repair of three buildings, to adapt them for the use of patients and employees, a sum not exceeding eight thousand dollars.

Approved May 24, 1906.

Chap. 76 RESOLVE IN FAVOR OF PATIENCE FIDELIA CLINTON OF THE HASSANAMISCO TRIBE OF INDIANS.

Patience
Fidelia
Clinton.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Grafton, beginning with the first day of January in the year nineteen hundred and six, and payable in equal quarterly instalments, an annuity of three hundred dollars, for the benefit of Patience Fidelia Clinton, of the Hassanamisco tribe of Indians, for the rest of her life, to be expended by the selectmen for her support. Chapter forty of the resolves of the year nineteen hundred and two is hereby repealed.

Approved May 26, 1906.

Chap. 77 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

State industrial
school
for girls.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighty-seven hundred dollars, to be expended at the state industrial school for girls, under the direction of the trustees thereof, for the following purposes: — For erecting a storehouse, a sum not exceeding five thousand dollars; for repairs on Elm cottage, a sum not exceeding fifteen hun-

dred dollars; for a silo, gasoline engine and ensilage cutter, a sum not exceeding twelve hundred dollars; and for furnishing the hospital, laundry and bakery, a sum not exceeding one thousand dollars.

Approved May 26, 1906.

RESOLVE TO CONFIRM THE ACTS OF ELMER D. SHERBURNE AS A JUSTICE OF THE PEACE. *Chap. 78*

Resolved, That the acts of Elmer D. Sherburne as a justice of the peace, between the seventeenth day of December in the year nineteen hundred and three and the first day of April in the year nineteen hundred and six, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office. *Acts of Elmer D. Sherburne, justice of the peace, confirmed.*

Approved May 26, 1906.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE TAUNTON INSANE HOSPITAL. *Chap. 79*

Resolved, That there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, to be expended at the Taunton insane hospital, under the direction of the trustees thereof, for the following purposes:— For completing the electric lighting and cold storage plants, a sum not exceeding sixty-six hundred dollars; for an addition to the steam heating plant, and for general repairs, a sum not exceeding fifty-four hundred dollars; and for painting, a sum not exceeding three thousand dollars. *Taunton insane hospital.*

Approved May 31, 1906.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE FARM. *Chap. 80*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eleven thousand dollars, to be expended at the state farm under the direction of the trustees and superintendent thereof, for the following purposes:— For installing a hot water supply, a sum not exceeding eight thousand dollars; and for an addition to the male prison dining room, a sum not exceeding three thousand dollars. *State farm.*

Approved June 5, 1906.

Chap. 81 RESOLVE TO PROVIDE FOR FINISHING ADDITIONAL ROOMS IN KITSON AND SOUTHWICK HALLS AND FOR OTHER PURPOSES OF THE LOWELL TEXTILE SCHOOL.

Lowell textile school.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Lowell textile school the sum of thirteen thousand nine hundred and ninety dollars, of which the sum of six thousand dollars shall be for finishing the basement of the school building known as Kitson hall, for occupancy for a machine repair shop, store room, picker dust room, class rooms and like construction; the sum of twenty-five hundred dollars for an industrial chemical laboratory; the sum of one thousand and forty dollars for sprinkler service in the Falmouth street building, as required by the insurance inspectors; the sum of two thousand dollars for water tanks, pumps and piping in connection with a driven well service; the sum of one thousand dollars for library fittings, tables and cases; the sum of four hundred and fifty dollars for granite steps to complete the Falmouth street head-house; and the sum of one thousand dollars for grading.

Approved June 5, 1906.

Chap. 82 RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

New England Industrial School for Deaf Mutes.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England Industrial School for Deaf Mutes the sum of thirty-five hundred dollars, the same to be paid upon the approval of the state board of education to the trustees of said school, and to be expended under the direction of said trustees for the educational purposes of the school for the year nineteen hundred and six. The trustees shall report to the state board of education the expenditures made under authority of this resolve.

Approved June 5, 1906.

Chap. 83 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS STATE SANATORIUM.

Massachusetts state sanatorium.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand five hundred dollars, to be expended at the Massachusetts state sanatorium under the direction of the

trustees thereof, for the following purposes: — For erecting, furnishing and equipping a new farmhouse, including necessary plumbing and heating apparatus, a sum not exceeding thirty-five hundred dollars; for completing and equipping the brick cottage now in process of construction as an infirmary, a sum not exceeding twenty-five hundred dollars; and for the construction of a piggery, a sum not exceeding five hundred dollars. *Approved June 5, 1906.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED. *Chap. 84*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of ten thousand dollars, to be expended at the Massachusetts School for the Feeble-Minded under the direction of the trustees thereof, for the following purposes: — For building an addition to the farmhouse dining room, a sum not exceeding two thousand dollars; for the purchase of laundry machinery, a sum not exceeding eighteen hundred dollars; and for constructing barns, hay sheds and silos at Templeton colony, a sum not exceeding sixty-two hundred dollars.

Massachusetts
School for
the Feeble-
Minded.

Approved June 5, 1906.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE FOXBOROUGH STATE HOSPITAL. *Chap. 85*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-five hundred dollars, to be expended at the Foxborough state hospital under the direction of the trustees thereof, for the following purposes: — For furnishing the dormitory now in process of construction, a sum not exceeding four thousand dollars; and for ventilating ducts in the furnished buildings now occupied, a sum not exceeding fifteen hundred dollars.

Foxborough
state hospital.

Approved June 5, 1906.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE LYMAN SCHOOL FOR BOYS. *Chap. 86*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-seven thousand four hundred dollars, to be expended at the Lyman school for boys under the direction of the trustees thereof, for the following purposes: — For

Lyman school
for boys.

erecting and completing a cottage for thirty inmates, a sum not exceeding twenty-two thousand dollars; for changing the heating system so as to make use of the exhaust steam, a sum not exceeding thirty-five hundred dollars; for bathrooms for the gymnasium, a sum not exceeding five hundred dollars; for a dough mixer for the bakery, a sum not exceeding five hundred dollars; for an extension of the subway, a sum not exceeding five hundred dollars; and for bathroom and toilet accommodations at the Berlin farmhouse, a sum not exceeding four hundred dollars.

Approved June 5, 1906.

Chap. 87 RESOLVE TO CONFIRM THE ACTS OF CHARLES HENRY DAVIS AS A JUSTICE OF THE PEACE.

Acts of Charles Henry Davis, justice of the peace, confirmed.

Resolved, That the acts of Charles Henry Davis as a justice of the peace, between the nineteenth day of May in the year nineteen hundred and four and the first day of April in the year nineteen hundred and six, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved June 5, 1906.

Chap. 88 RESOLVE RELATIVE TO THE PAYMENT OF RENTAL FOR ARMORIES AND HEADQUARTERS FOR THE VOLUNTEER MILITIA.

Rental for armories of the militia.

Resolved, That in addition to the sum of twenty-eight thousand dollars appropriated by section one of chapter one hundred and twenty-three of the acts of the year nineteen hundred and five, for the payment of rental for headquarters and armories of the volunteer militia, there be allowed and paid from the treasury of the Commonwealth an additional sum not exceeding twelve thousand dollars, the aggregate of said sums, namely, a sum not to exceed forty thousand dollars, to be paid as rental for headquarters and armories for the year nineteen hundred and five to cities and towns certified to be entitled thereto on returns to be submitted by the adjutant general to the auditor of the Commonwealth.

Approved June 5, 1906.

Chap. 89 RESOLVE TO PROVIDE FOR THE PURCHASE OF A STONE CRUSHER FOR THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Massachusetts hospital for epileptics.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two

thousand dollars, to be expended by the trustees of the Massachusetts hospital for epileptics for the purchase of a stone crusher.

Approved June 6, 1906.

RESOLVE TO PROVIDE FOR IMPROVING THE HARBOR AT MENAMSHA INLET IN THE TOWNS OF CHILMARK AND GAY HEAD.

Chap. 90

Resolved, That the board of harbor and land commissioners is hereby directed to improve the harbor at Menamsha Inlet in the towns of Chilmark and Gay Head by enlarging and strengthening the jetties at the entrance to the harbor and by deepening and enlarging the channel and anchorage basin. For this purpose the board may expend a sum not exceeding twenty-five thousand dollars, to be paid out of the treasury of the Commonwealth: *provided, however,* that not more than fifteen thousand dollars shall be expended during the present year.

Improvement
of the harbor
at Menamsha
Inlet.

Approved June 6, 1906.

RESOLVE TO PROVIDE FOR DREDGING A CHANNEL IN WINTHROP HARBOR.

Chap. 91

Resolved, That the board of harbor and land commissioners is hereby directed to dredge and improve the channel in Winthrop harbor which extends from the main Winthrop channel from a point nearly opposite Apple island in a northeasterly direction about fifteen hundred feet to the pier of the Cottage Park Yacht Club at the foot of Orlando avenue in Winthrop, and the basin around said pier. The depth shall not exceed eight feet at mean low water. For this purpose the board may expend a sum not exceeding sixty-five hundred and twenty-five dollars; but the board shall not begin the work hereby authorized until the owners of the flats release to the Commonwealth any damages which might be claimed on account of the same.

Dredging the
channel in
Winthrop
harbor.

Approved June 6, 1906.

RESOLVE IN FAVOR OF JOHN NEWINGTON.

Chap. 92

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John Newington of Somerville the sum of one hundred and fifty dollars, in full compensation for injuries accidentally received by him while acting under military orders as a member of troop

John
Newington.

D, first squadron of cavalry, second brigade, Massachusetts volunteer militia, on the twenty-second day of July in the year nineteen hundred and four.

Approved June 6, 1906.

Chap. 93

Newburyport
turnpike.

RESOLVE RELATIVE TO THE NEWBURYPORT TURNPIKE.

Resolved, That the Massachusetts highway commission is hereby authorized and directed to make such studies and surveys of the Newburyport turnpike, so-called, as shall determine the best future procedure of the state and of the various towns through which it passes relative thereto. For the purposes of this resolve said board may expend a sum not exceeding one thousand dollars.

Approved June 6, 1906.

Chap. 94

Worcester
insane asylum.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE ASYLUM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixteen thousand dollars, to be expended at the Worcester insane asylum under the direction of the trustees thereof, for the following purposes:— For the renewal of and alterations in the plumbing of the women's wards, a sum not exceeding nine thousand five hundred dollars; for the construction of a cattle shed and hay barn at Grafton, a sum not exceeding five thousand dollars; for the purchase of cattle at Grafton, a sum not exceeding one thousand dollars; and for the purchase of fruit trees at Grafton, a sum not exceeding five hundred dollars.

Approved June 6, 1906.

Chap. 95

Improvement
of channel of
Plymouth
harbor.

RESOLVE TO PROVIDE FOR A SURVEY AND ESTIMATE OF THE COST OF IMPROVING ONE OF THE CHANNELS OF PLYMOUTH HARBOR.

Resolved, That the board of harbor and land commissioners is hereby directed to make a survey to determine the best method of improving the channel of Plymouth harbor leading from the main ship channel to the wharves of the Plymouth Cordage Company, and of dredging a basin for turning vessels at the inner end of the same, and to report thereon to the next general court, with an esti-

mate as to the cost of such improvement. The board may expend for the purposes of this resolve a sum not exceeding four hundred dollars. *Approved June 6, 1906.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION OF THE SANITARY CONDITION OF BARBER SHOPS.

Chap. 96

Resolved, That the state board of health is hereby instructed to make an investigation, at an expense not exceeding five hundred dollars, as to the condition of barber shops in the Commonwealth, and to consider what legislation, if any, for the licensing of barbers, and for regulating or supervising their business, is necessary or desirable for the protection of the public health; and that said board report to the general court on or before the second Wednesday in January, nineteen hundred and seven, the result of its investigation, together with such recommendations for legislation as the board may deem advisable.

Sanitary condition of barber shops.

Approved June 7, 1906.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL.

Chap. 97

Resolved, That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and six: —

County tax, Bristol.

For interest on county debt, a sum not exceeding forty thousand dollars.

For reduction of county debt, a sum not exceeding eighty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-four thousand dollars.

For clerical assistance in county offices, a sum not exceeding twelve thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-two thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-one thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

County tax,
Bristol.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding seven thousand dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding six thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and twenty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved June 7, 1906.

Chap. 98 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE AND REPORT AS TO THE PROBABLE COST TO THE COMMONWEALTH OF PURCHASING, CONSTRUCTING AND MAINTAINING ARMORIES FOR THE USE OF THE MILITIA.

Investigation
and report as
to the cost of
constructing,
etc., armories
for the militia.

Resolved, That the governor of the Commonwealth, with the advice and consent of the council, is hereby authorized to appoint a commission of three persons, one of whom he shall designate as chairman, who shall be known as the Commission on State Armories. The commission shall investigate as to the probable cost to the Commonwealth of purchasing the armories already in use by the militia and of constructing such additional armories as are likely to be required for the use of the militia, and also the probable cost of maintaining the armories in case the Commonwealth should undertake their maintenance. The commission shall be provided by the sergeant-at-arms with suitable

quarters in the state house or elsewhere. It may employ such clerical and other assistance as may be necessary, and may incur such reasonable expenses, including travelling expenses, as may be approved by the governor and council: *provided*, that the total expense authorized by this resolve shall not exceed five hundred dollars. The commission shall report to the general court on or before the second Wednesday of January in the year nineteen hundred and seven, with such recommendations for legislation as it may deem expedient. *Approved June 14, 1906.*

RESOLVE RELATIVE TO THE CONSTRUCTION OF A STONE BREAK-WATER OFF THE TOWN OF REVERE BY THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Chap. 99

Resolved, That, for the purposes specified in chapter one hundred and eight of the resolves of the year nineteen hundred and five, the board of harbor and land commissioners is hereby authorized to expend a sum not exceeding thirty thousand dollars, in addition to the sum of twenty-five thousand dollars authorized by said chapter to be expended. Of this additional sum of thirty thousand dollars, ten thousand dollars may be expended in the year nineteen hundred and seven, ten thousand dollars in the year nineteen hundred and eight, and ten thousand dollars in the year nineteen hundred and nine: *provided, however*, that no portion of the money provided for in this resolve, or in chapter one hundred and eight of the resolves of the year nineteen hundred and five, shall be expended until the town of Revere shall have furnished satisfactory evidence to the board of harbor and land commissioners that it will provide free of charge to the Commonwealth, within one year after the completion of the breakwater, a public landing place within the area protected by the breakwater, of such a character that it will furnish a satisfactory landing accessible to boats at all stages of the tide.

Breakwater to be constructed off the town of Revere.

Approved June 15, 1906.

RESOLVE RELATIVE TO THE COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

Chap. 100

Resolved, That chapter sixty-nine of the resolves of the present year is hereby amended by striking out the words "For building county buildings, a sum not exceeding ten thousand dollars", in the seventeenth and eighteenth lines

County tax, Hampshire, amendment to resolve granting, etc.

of said chapter as engrossed, and by striking out the word "sixty", in the twenty-eighth line of said chapter as engrossed, and inserting in place thereof the word: — fifty, — so that the amount which the county commissioners of said county are authorized to levy as the county tax of said county for the current year shall be fifty thousand dollars instead of sixty thousand dollars.

Approved June 20, 1906.

Chap.101 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE CAMP GROUND.

State camp ground.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the adjutant general in repairing and painting the buildings owned by the Commonwealth at the camp ground in Framingham.

Approved June 20, 1906.

Chap.102 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE MEASURES FOR THE RELIEF OF CONSUMPTIVES AND SITES FOR STATE HOSPITALS FOR CONSUMPTIVES.

Commission to investigate measures for the relief of consumptives, etc., appointment of.

Resolved, That the governor designate two members of the state board of charity, two members of the state board of health, and one other person, to serve as a commission to investigate and report to the general court on or before the second Wednesday of January next as to the number of persons in the Commonwealth who are suffering from pulmonary tuberculosis, or consumption, in an advanced stage; as to appropriate and available sites for a hospital or hospitals for the treatment of such sufferers; as to the probable cost to the Commonwealth of erecting and maintaining hospitals adequate for such treatment; and as to the advisability of the undertaking by the Commonwealth of the care and treatment of such sufferers. The members of said commission shall serve without pay, but all traveling and other necessary expenses incurred by them in the performance of their official duties shall be paid by the Commonwealth. They may employ a secretary and determine his compensation, and may expend a sum not exceeding five thousand dollars in carrying out the purpose of this resolve, including the printing of their report.

Approved June 20, 1906.

RESOLVE RELATIVE TO THE PUBLICATION OF THE CENSUS OF
NINETEEN HUNDRED AND FIVE. *Chap.103*

Resolved, That the chief of the bureau of statistics of labor may make such allotment of pages in the three printed volumes of the census of nineteen hundred and five as he may deem advisable: *provided*, that the whole number of pages shall not exceed two thousand, as provided by chapter sixty-six of the resolves of the year nineteen hundred and five.

Publication of
census.

Approved June 22, 1906.

RESOLVE TO AUTHORIZE THE ERECTION BY THE COMMON-
WEALTH OF A MONUMENT TO THE MEMORY OF THE CHEVA-
LIER DE ST. SAUVEUR. *Chap.104*

Resolved, That the committee appointed by his excellency the governor and confirmed by the council, under the provisions of chapter seventy-two of the resolves of the year nineteen hundred and five, is hereby authorized to cause to be erected, on behalf of the Commonwealth, a monument, with a suitable inscription, in the cemetery of King's Chapel in Boston, subject to the grant of a site therein by the city of Boston; and that a sum not exceeding fifteen hundred dollars is hereby authorized to be expended for this purpose.

Monument to
be erected to
the memory of
the Chevallier
De St. Sauveur.

Approved June 26, 1906.

RESOLVE RELATIVE TO THE ERECTION OF MONUMENTS TO COM-
MEMORATE THE ACTION OF MASSACHUSETTS TROOPS IN THE
REVOLUTIONARY WAR. *Chap.105*

Resolved, That the governor and council are hereby authorized to investigate the question as to what part Massachusetts should take in erecting monuments or memorials at Valley Forge park in the state of Pennsylvania, or any other prominent battlefield, to commemorate the action of Massachusetts troops who took part in the revolutionary war. They are authorized to incur such expense as may be necessary and shall report their findings with such recommendations as may in their judgment be proper to the next general court.

Monuments to
the memory
of Massa-
chusetts
troops who
served in the
revolutionary
war.

Approved June 26, 1906.

RESOLVE RELATIVE TO THE CONTINGENT EXPENSES OF THE
EXECUTIVE DEPARTMENT OF THE COMMONWEALTH. *Chap.106*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth during the present year a

Contingent
expenses of
the executive
department.

sum not exceeding one thousand dollars for expenses of the executive department, this amount to be in addition to the amount authorized by section eight of chapter four of the Revised Laws and the amount appropriated by chapter three of the acts of the present year.

Approved June 26, 1906.

Chap.107 RESOLVE TO PROVIDE FOR PRINTING AND DISTRIBUTING MAPS SHOWING THE DIVISION OF THE COMMONWEALTH INTO SENATORIAL DISTRICTS.

Printing and distribution of maps of senatorial districts.

Resolved, That there be printed four thousand copies of a map showing the new division of the Commonwealth into senatorial districts; twenty-five copies thereof to be distributed to each member of the redistricting committee and the clerk thereof, ten copies to each member and officer of the general court, and the remaining copies to be deposited in the office of the secretary of the Commonwealth for distribution by him in his discretion.

Approved June 29, 1906.

Chap.108 RESOLVE TO PROVIDE FOR CONCRETE WALKS AT THE STATE HOSPITAL.

State hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars, to be expended under the direction of the trustees of the state hospital for concrete walks at that institution.

Approved June 29, 1906.

Chap.109 RESOLVE IN FAVOR OF MARGARET SULLIVAN, WIDOW OF MICHAEL J. SULLIVAN.

Margaret Sullivan.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Margaret Sullivan, widow of the Honorable Michael J. Sullivan, late member of the governor's council, the balance of the salary to which he would have been entitled had he served to the end of the term for which he was elected.

Approved June 29, 1906.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed article of amendment to the Constitution has been officially certified and deposited in the office of the secretary of the Commonwealth, as required by section 20 of chapter 3 of the Revised Laws, and if agreed to by the general court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection: —

RESOLVE TO PROVIDE FOR AN AMENDMENT OF THE CONSTITUTION AUTHORIZING THE GOVERNOR, WITH THE CONSENT OF THE COUNCIL, TO REMOVE JUSTICES OF THE PEACE AND NOTARIES PUBLIC.

Resolved, That it is expedient to alter the Constitution of the Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and be referred to the general court next to be chosen; and that the said article be published, to the end that if agreed to in the manner provided by the Constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the Constitution of the Commonwealth.

Proposed
article of
amendment
to the Con-
stitution.

ARTICLE OF AMENDMENT.

The governor, with the consent of the council, may remove justices of the peace and notaries public.

Removal of
justices of
the peace
and notaries
public.

HOUSE OF REPRESENTATIVES, March 29, 1906.

The foregoing article of amendment is agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

JOHN N. COLE, *Speaker*.

SENATE, April 3, 1906.

The foregoing article of amendment is agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

WILLIAM F. DANA, *President*.

RESOLUTIONS.

RESOLUTIONS RELATIVE TO AN AMENDMENT OF THE FEDERAL CONSTITUTION ENABLING CONGRESS TO ENACT LAWS REGULATING HOURS OF LABOR.

Resolved, That in the opinion of the general court of Massachusetts it is desirable that the Constitution of the United States should be so amended as to put it clearly within the power of congress to enact laws regulating the hours of labor in the several states according to some uniform system; and the senators and representatives of this Commonwealth in congress are hereby requested to use their influence to secure the adoption of the pending resolution proposing such an amendment to the Constitution.

Recommend-
ing amend-
ment to the
Constitution
of the United
States relative
to uniform
hours of labor.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted February 23, 1906.

In Senate, adopted, in concurrence, February 28, 1906.

RESOLUTIONS REQUESTING CONGRESS TO CONSOLIDATE THE PRESENT THIRD AND FOURTH CLASS RATES OF POSTAGE.

Resolved, That the general court of Massachusetts favors an amendment to the rules and regulations of the post office department of the United States government to the effect that what is now known as third and fourth class matter be consolidated at the postage rate of one cent for each two ounces or fraction thereof.

Relative to
the consoli-
dation of
certain rates
of postage.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In Senate, adopted March 2, 1906.

In House of Representatives, adopted, in concurrence, March 7, 1906.

The general court of 1906, during its annual session, passed 535 acts and 109 resolves which received the approval of his excellency the governor.

One act, entitled "An Act to authorize the city of Boston to pay a sum of money to the mother of William E. Magurn", was passed by the general court and laid before the governor and failed to receive his approval, but as it was not returned by him, with his objections thereto, within five days after the receipt of the same, the general court not having been prorogued in the meantime, it has the force of a law, under the provisions of the Constitution governing such cases, and has been so certified. (Chapter 456.)

Seven acts, entitled, respectively, "An Act relative to the examination of applicants for appointment to fire departments", "An Act relative to fire departments and the civil service", "An Act to extend the time in which intoxicating liquors may be sold by innholders in certain cities", "An Act relative to the election of aldermen of the city of Boston", "An Act relative to boating and fishing in certain great ponds", "An Act to authorize and require the metropolitan water and sewerage board to construct and maintain a system for the disposal of the sewage of the village of Saxtonville in the town of Framingham", and "An Act to provide for certain rewards to veterans of the civil war", were passed and laid before the governor for his approval, were returned by him with his objections thereto, to the branch in which they respectively originated, were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members of either branch not having voted in the affirmative.

The general court was prorogued on Friday, June 29, at 11.45 P.M., the session having occupied 178 days.

INAUGURAL ADDRESS
OF
HIS EXCELLENCY CURTIS GUILD, JR.

At twelve o'clock on Thursday, the fourth day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Gentlemen of the General Court of Massachusetts:

With a deep sense of gratitude to the citizens of the Commonwealth, I ask your co-operation and promise you mine in the task of legislation that has been set before us.

We are met in no mean city. The real Boston is the Greater Boston, that includes the homes as well as the workshops and counting houses of this community. It is a great metropolis, — a greater metropolis than its own citizens perhaps appreciate. It should be developed as such.

The combined exports and imports of Boston are exceeded only by those of New York. This is the second seaport in the United States. It must not retrograde. Both exports and imports exceed those of last year. The total excess over last year of foreign commerce in the eleven months for which the figures are at hand shows a gain in these eleven months of nearly thirty millions of dollars. One twentieth of the wealth of the United States, one thirtieth of the population of the country, is within an hour's ride of this historic building. In this area are the homes of a larger population than in any equal area but one in the country. The capital of Massachusetts is the second centre of population in the United States.

We have to legislate for no decadent Commonwealth.

Of all the states and territories on this continent, only four contain a smaller area. Because of geographical limitation, as well as from a notable lack of mineral deposits, forests and rich arable soil, a slow rate of gain in material prosperity might logically be expected of Massachusetts, in comparison with many states possessing greater natural advantages. Yet, on the contrary, at the last taking of our national census it was found that Massachusetts, fifth from the foot in area, is seventh from the top in population, fifth from the top in the annual value of her manufactures, and third from the top in the annual amount paid in wages. Measured by assessed valuation of the property in her borders, Massachusetts is exceeded by but two States. Fifth from the foot in area, Massachusetts is third from the top in wealth.

Nor is this prosperity the dwindling legacy of earlier generations. The past year has seen huge additions to our industrial plants, notably to those producing manufactures of leather and of wool. Marked advances have taken place in the wages of those engaged in textile manufacture; and, as noted by my predecessor, statistics of abandoned farms no longer figure in our state papers. Measured by the value of farm products, Massachusetts is first among the New England states, and shows by a steady increase that attention is wisely given to the extension of the work of the farmers' institutes and of our agricultural college.

Our Massachusetts census, just taken, tells a wonderful story. Immigration does not swarm to hopeless fields. In the decade between 1895 and 1905 Massachusetts added over half a million to her population. It is extraordinary that this great increase, which is within less than fifty thousand the same increase that was shown between 1885 and 1895, should have been possible in what was and is, with one exception, the most densely populated state in the Union.

It is more extraordinary that this half million of increase, largely immigrants, should be not merely vast in proportion to area, but, with four exceptions only, larger in actual numbers than the increase shown by any other state or territory in the whole United States.

The annual value of the manufactured products of Massachusetts increased by but \$175,173,033 between 1885 and 1895. It increased by \$300,267,558 between 1895

and 1905. The total value of goods made in Massachusetts was \$1,150,074,860 in 1905.

The increase in the value of the annual product of cotton goods from 1885 to 1895 was \$32,190,463. From 1895 to 1905, in spite of southern competition, it was \$38,949,280. The increase in our wool and worsted products between 1885 and 1895 was \$7,400,533. Between 1895 and 1905 it was \$50,581,514. The increase in our shoe product between 1885 and 1895 was \$7,405,548. Between 1895 and 1905 it was \$70,271,966.

On October 31 the total amount on deposit in our savings banks was, in 1885, \$274,998,412; in 1895, \$439,269,861; and in 1905, \$662,808,312. The increase in the last decade was greater by over fifty-eight millions of dollars than in the decade that preceded it. In 1885 the average deposit for each person of population was \$141.64; in 1895, \$175.69; and in 1905, \$220.67. The gain in deposits per capita in the last decade was greater by nearly a third than the gain in the preceding decade.

Through the conventions of her two great parties, through her general court and governor, Massachusetts has already demanded from the national government the immediate construction of a tariff framed to meet the lines of modern competition. Massachusetts asks the removal of such duties as are now needless, the reduction of such duties as were once just but are now excessive, and the development not of our commerce alone but of the commerce of the United States by more friendly trade treaties with other nations. In such investigation of the real needs of American industries Massachusetts asks no exclusive favors. We understand that the removal of the duty on hides means a revision of the duty on goods that are made from hides.

Massachusetts stands at the council board of the nation not as a broken beggar, whimpering for an alms, but as a strong man, demanding aggressive action from his peers.

Such action has already been urged on president and congress through our senators and representatives, on whom alone the Constitution imposes the responsibility to the people for such national legislation. We await their championship of our cause with trust and confidence.

For us the Constitution of our own Commonwealth prescribes the concentration of energy on the legislation for which we, in turn, are responsible to the people of Massa-

chusetts. Never more than now have they had the right to insist that such legislation should be enacted in the spirit of the Massachusetts Declaration of Rights, which proclaims "Government is instituted for the common good, for the protection, safety, prosperity and happiness of the people, and not for the profit, honor or private interest of any one man, family or class of men."

The work of the various departments of the Commonwealth has been well done, — so well done that even a political overturn in the executive management of the Commonwealth has led to no overturn in policy, to but little change even in personality in these departments. I suggest to you a careful study of the reports submitted to you by these proved and faithful public servants.

ELECTION EXPENSES.

Prosperity, as well as adversity, breeds evil. The rapid accumulation of wealth has led to a lavish use of money in elections. This increase in the use of money is in this Commonwealth confined to no party, district or variety of election. The uses to which much of this money is put are not in themselves corrupt. The spending of scores of thousands of dollars on posters and newspaper advertising is not corrupt in itself; but when a citizen, asked by his fellow citizens to take public office, is forced to contemplate such huge expenditure as a necessity, the obvious result is to drive the man of modest means from public life. The parsimony of the United States makes the richest nation in the world the only one that cannot be represented, thanks to the expense of the position, by a poor man as ambassador to a foreign court. Franklin could not afford to go to France to-day.

Let us not in Massachusetts make it impossible for some future Samuel Adams to be a candidate for governor.

I suggest for your consideration the extension of the corrupt practices act; some limitation on the total amount to be spent by any candidate; a more stringent penalty, which should be strictly enforced, for those who fail to file election expenses; the voiding of an election where deliberate and serious violations of the provisions of the act are proved against the successful candidate; and finally, the absolute prohibition of contributions from corporations in campaigns, either for nomination or election.

CIVIL SERVICE.

You have doubtless found that a large body of your constituents believe that the civil service laws are either not in existence or not enforced. In a measure they are right. In certain localities the law is evaded, and, owing to the lack of a sufficient inspecting force, with impunity. In other localities, through lack of notification, the public are kept in ignorance of the civil service examinations, and of the fact that there are constant vacancies in local offices open to any citizen. In some parts of the Commonwealth there is therefore now no eligible list from which candidates may be taken.

It is worse than useless to hire an expert at a large salary and make no provision that his assistants be competent for the work. I suggest that the men supplied for the suppression of the brown-tail and gypsy moths be appointed by the same authorities as now, but only after they have passed a suitable examination, and been certified on the usual lists by the civil service commissioners.

The successful result in Philadelphia of applying the civil service system to certain heads of departments suggests the advisability of considering a similar extension of the law throughout Massachusetts, if not also, as suggested by my predecessor, the extension of the law to all county officers. I recommend that an adequate salary be paid, at least to the chairman of the board, from whom the needs of this work now demand daily attention; I recommend that a sufficient appropriation be made to provide for constant, not occasional, inspection of pay rolls; and, further, the enactment of a statute providing for the conspicuous and continuous display, by town and city officials, of posters to be prepared by the civil service commission, that the people may know when and where examinations are to take place, what vacancies exist, and, in fine, how they can secure the public employment guaranteed them by law without the intervention of influence-mongers or partisan organizations.

STATE FINANCE.

The gross debt of the Commonwealth, actual and contingent, Jan. 1, 1906, was \$98,200,162. Of this amount, \$31,569,750 is represented by loans which have been issued

for state purposes exclusively, and \$66,630,412, the total contingent debt, by loans which have been issued for the benefit of cities and towns, and which will be repaid ultimately by them to the Commonwealth. Applicable to the loans issued for strictly state purposes, there are accumulations in sinking funds amounting to \$17,353,847.85, making the net actual state debt \$14,215,902.15. For the redemption of the loans included in the contingent debt there are accumulations in sinking funds amounting to \$7,328,785.83, which amount, applied to the principal of the loans, makes the net contingent debt \$59,301,626.17. Of the net contingent debt, \$1,373,496.84 falls upon certain cities and towns in which armories have been built, and the remainder, \$57,928,129.33, upon the cities and towns in the metropolitan water, sewerage and parks districts.

The net actual state debt for five years is as follows:—

Jan. 1, 1902,	\$12,459,253 61
Jan. 1, 1903,	13,472,628 09
Jan. 1, 1904,	14,782,640 97
Jan. 1, 1905,	15,576,595 11
Jan. 1, 1906,	14,215,902 15

The payment to Massachusetts of the net sum of \$1,450,566.76 by the United States, in the year just closed, has been applied to the reduction of the state debt.

I desire to urge upon your attention a careful perusal of the reports of the treasurer and of the auditor, and the annual and special messages of my three immediate predecessors. With every possible economy, we have been forced to raise, by direct taxation, a sum amounting last year to four millions of dollars. This direct state tax is caused by the unusual generosity of the Commonwealth to the local governments of its cities and towns. The Commonwealth has assumed one local burden after another. Its assumption, for example, of the entire care of the insane has relieved and should have reduced local taxation by over a million dollars annually.

Absolutely no additional revenue has been provided to offset this increased state expenditure. On the contrary, the Commonwealth, like the pelican in the fable, has opened her own veins to feed her hungry offspring. The corporation tax, for example, is an excise tax levied and

collected by the Commonwealth on organizations created, regulated and controlled by the Commonwealth. In New York the whole corporation tax goes to the state. In Massachusetts about three quarters of it is returned to the cities and towns. The amount thus returned last year was \$3,421,096.81. Again, New York retains one half the sum received for liquor licenses. Massachusetts retains but one quarter. If New York's example were followed in this Commonwealth, the receipts of our treasury would have been increased last year from this source by \$836,809.68.

In view of these hard financial facts, I need not urge you to the most careful scrutiny of every suggestion of increased expenditure and resistance to every endeavor further to reduce our already inadequate revenue.

BANKING LAWS.

Since the new business corporation law went into effect there has been a growing tendency to organize corporations to engage in banking, and on the part of foreign corporations to obtain admission into Massachusetts for the same purpose.

The policy of the Commonwealth has been to restrict the business of banking to corporations organized under the banking laws. It has been safeguarded as to investments and management, and placed under the immediate supervision of a competent board of examiners. To allow corporations to do the banking business under any other conditions is hazardous to the public and a menace to our banking institutions.

I recommend that legislation be enacted to strengthen our present laws by the removal of any ambiguity of phrase, with such other action as may conduce to the effective prevention of unauthorized banking.

INSURANCE.

The revelations as to the practices of the great life insurance companies of New York have roused the country to just indignation. Certain fraternal orders have met in convention, to suggest reforms; the insurance commissioners of the various states have met, and are again to meet; committees of policy holders of the great New York com-

panies have organized, and are later to report their findings. We have also the suggested remedy of national regulation.

Our own Massachusetts life insurance companies, organized under our own laws, contain no instance of subsidiary trust companies organized for stock speculation, nor are they burdened with the scandalous salary lists of the New York companies.

It is decidedly uncertain whether congress has the constitutional right to make insurance law for the country. If the supreme court should rule that congress has that right, Massachusetts would still have the power to add to the general law any safeguards, not inconsistent with a national statute, that we deem necessary to impose on companies doing business in this Commonwealth, for the protection of Massachusetts policy holders.

Not one hint of graft, or even of political interference, is directed, in this general storm of criticism, against the insurance department of this Commonwealth. It is the admitted standard for efficiency in the country. Our Massachusetts insurance laws, moreover, have been copied in part by many states, and by some states almost in their entirety. At such a crisis, with patent wrong crying for redress, a Commonwealth with such a record cannot relinquish leadership. We shall advance farthest if we advance only on safe ground, and with expert guides.

Our first duty is to recodify our own laws, last completely recodified in 1887. Since then some laws have been changed in application, others have become obsolete, some have been added. On this basis we should raise new legislation, framed after due and sober consideration of such recommendations as may be made not only to this honorable body, but in the broadest sense wherever presented, in order that our new Massachusetts insurance code may be remedial, progressive, and, as far as consistent with Massachusetts ideals, uniform with the new codes of other states.

In a question of grave importance, demanding technical knowledge of a high order, governor and general court alike can, I think, best serve the public ends by calling in the best impartial expert advice obtainable. I therefore recommend that the governor, with the consent of the council, be authorized at once to appoint a temporary and advisory board, who shall revise and codify our insurance

laws, confer with the authorities of other states, correspond freely with all bodies seeking insurance reform, consider and originate measures and suggestions, and report such information, with their findings from time to time, to the present general court, as an aid to its deliberations and final action. The service of such an advisory board would, of course, terminate with its final report. The existence of a surplus above the cost of maintenance accruing from the fees collected by the insurance department makes no extra expenditure for this purpose necessary.

RAILROADS.

I invite the most careful consideration of the coming report of the joint committee appointed to revise and codify the railroad and street railway laws of the Commonwealth.

I cannot too strongly recommend to you the abolition of special privileges and the extension of general law in every possible branch of legislation, as urged upon this honorable body by His Excellency John L. Bates. I particularly recommend the extension of general law to legislation affecting street and electric railways.

The unusual length of our legislative sessions as compared with those of other states is in part due to the discussion of special charters. They destroy wholesome competition under uniform conditions. The special evil however of such valuable monopolies, granted by special charter, is the daily temptation to the base activity of the grafter, the corruptionist and the professional commercial or political promoter, not only in the lobby of the legislature, but in the ward room and at the polling booth. Certain states have adopted constitutional provisions against special legislation of this character. Where is such favoritism more out of place than in this Commonwealth, whose founders made the very opening sentence of its frame of government a declaration of the equality of all men before the law?

HIGHWAYS AND AUTOMOBILES.

The report of the highway commission, asking for a greater measure of control, deserves your careful consideration. A more effective and uniform regulation of auto-

mobiles, and especially of reckless chauffeurs, is desirable. Even-handed justice also demands that those who make a rational use of a modern vehicle should not be made subject to petty persecution. As the state highways are in a large measure a gift from the Commonwealth to the town or city, and as automobiles are particularly destructive of the surface, I would suggest, for this reason, if for no other, that all fines for overspeeding should be paid to the Commonwealth, and applied to the repair of highways.

TELEGRAPH AND TELEPHONE CORPORATIONS.

All public-service corporations operating in Massachusetts are under the supervision of the Commonwealth, with the exception of telegraph and telephone companies. There does not appear to be any good reason why such corporations should not be under a supervision similar to that now exercised over other public-service corporations. I recommend to your consideration whether this supervision might not be confided to the state highway commission, and whether, through reasonable fees charged upon the companies for inspection, it might not be self-supporting.

BOILER INSPECTION.

The district police report that there are in Massachusetts 13,000 steam boilers uninsured by any company. The inspection of boilers not inspected by any insurance company cannot be effectively accomplished by the present force of state inspectors. Such state inspection of boilers is necessary for the public protection. It should be self-supporting, all fees collected for examination turned over to the Commonwealth, and the force in charge of it immediately reorganized and increased under direction of the district police. Present conditions are a menace not only to property but to human life.

SCHOOL INSPECTION.

The work of the state board of education shows satisfactory progress, as usual. I would suggest however that you consider legislation contemplating a more general medical inspection of school children, as now practised in some localities, notably for the discovery of infectious diseases

and physical defects. A child may be a dullard at school and a failure in life because of undiscovered defects in eyesight or hearing. There are, to quote one line of work only, children now struggling for education through pain, ailing little creatures, backward in their lessons, tortured with racking headaches, who only need relief of a complaining set of nerves by a pair of properly adjusted glasses, to transform them to healthy, happy children, capable of assimilating all the benefits of their school work.

MILITIA.

The militia of the Commonwealth should receive every possible encouragement in their willing service. During the last year the reserve fund accumulated for some years at Washington has, except a small balance, been expended, chiefly for new material. We cannot, therefore, afford to reduce last year's appropriation from the Commonwealth.

The vacation now given state employees is so liberal in comparison with that given by private firms that I cannot urge its extension even for militiamen. I take this occasion to urge the co-operation with the Commonwealth of such employers as find it practicable, in giving, without loss of pay, militiamen in their employ the extra week needed for the summer manœuvres. Not only in war, but at times of fire, flood or explosion, this force is called to the protection of property and life. It has the support of the government. It should have the support of the people.

SPANISH WAR CLAIMS.

Under a contract based on percentage the Commonwealth last year paid to a Washington attorney a commission infinitely larger than contemplated by the officials, who yet did make the contract with him, for the collection of claims due on account of the Civil War.

The large fortune so obtained by this attorney brought a host of propositions to collect similar claims, not only of the Commonwealth but of individual veterans of the Spanish War, the fee to be taken from the amount collected, in the shape of a percentage. These propositions were referred to me as chairman of the committee on military and naval affairs of the council. On consultation with the attorney-general it was clearly shown that the employ-

ment of such agents in such a manner would be both needless and in direct violation of the spirit of the Constitution and laws of the Commonwealth. Moreover, it seemed unfair that men who had served in war should by the assumption of power by the government be forced to surrender to any claim agent, without even being heard in the matter, a portion of the money due them by the United States.

This view of the case was presented to his excellency. No action was taken by the council. The governor authorized the attorney-general to attend to duties properly and constitutionally his. The attorney-general acted at once. An officer selected by him was set at work. He was aided by every power at the disposal of the adjutant general in the matter of searching records. He was and is to be paid as others employed by the attorney-general have been paid. He has already completed and filed at Washington proofs of much larger sums than it was believed were due the soldiers of this Commonwealth in the Spanish War.

These men will therefore receive, without being mulcted, as was proposed, of any percentage, the entire amount due them from the national government; and Massachusetts has re-established the important legal precedent, that her debts are to be collected by her own accredited officials, working on conditions clearly understood, and under the immediate direction of the law officer of the Commonwealth.

JAMESTOWN EXPOSITION AND ITS VISITORS.

Virginia is to celebrate at Jamestown the first English settlement on American soil. I believe that Massachusetts should be adequately represented at an exposition especially designed to be historical as well as industrial.

A feature planned for this exposition is to be an international camp and an international fleet. Some of these soldiers and sailors of other lands, should the plan succeed, may visit this Commonwealth. The countrymen of Lafayette may wish to journey from the birthplace of Washington to that of Franklin. The armed troops of the United States were welcomed in Paris as the guard of the remains of John Paul Jones. May I suggest to you that, in this constantly increasing interchange of international goodwill, the harbinger of international peace, friction might

be avoided by amending the existing law — wisely prohibiting the marching of foreign troops through our streets without the consent of the general court — by a provision that in case the general court is not sitting, the governor, with the advice and consent of the council, may extend such permission to foreign troops whose entrance into our country has already received the sanction of the national government.

THE POLICE SYSTEM OF BOSTON.

Some twenty years ago the control of the police of Boston was transferred from the city to the Commonwealth, not at the instigation of any political organization, but on evidence, now in my possession, furnished by the New England Society for the Suppression of Vice, that under local control the police of the metropolis at that time were drifting into a condition not dissimilar from that recently exposed in certain other great cities. The transfer has been amply justified. Though criticism, sometimes just, has been made of a metropolitan as opposed to a purely local control of police, it cannot be denied that, whatever the politics of the governor who has been in office, the Boston police has at least been free, since the Commonwealth assumed control, from the graver scandals proved against the police elsewhere.

No man to-day impugns the personal integrity of the present commissioners, or charges them with the use of their great power for graft or gain.

In suggesting a radical change in the organization of that body, therefore, there can be no question of personality. I must ask you to believe that in urging such a change I am acting on convictions formed when this board was originally appointed, — convictions never changed, and strengthened by travel and my own experience in maintaining order in military camps at home and abroad in time of war.

It is a principle of law that the judicial and executive functions should not be merged in one body nor in one person. It is a matter of historical and governmental experience that inefficiency, if not disaster, follows divided responsibility in the control of any organized body of men, where discipline and *esprit de corps* must be the main-spring of success.

Legal principle and practical experience are alike violated in the construction of the present board of police. The policeman who appears as a witness before three gentlemen sitting as judges in regard to a license may be removed or promoted by the same individuals, acting in the capacity of his commanding officers.

Disagreement, moreover, as to method among three perfectly sincere men may create delay at any time, and prevent the promptness of instant action in emergencies, absolutely necessary for an effective police.

Even more important, the dual function of excise officer and police commissioner, by the multiplication of duties, checks the efficiency of control. The location, transfer, revocation and granting of liquor licenses encroaches unduly on days none too long for the bending of every energy to the rooting out of vice and the prevention and suppression of crime.

I therefore recommend that an excise board of three, appointed and confirmed by the governor and council, and representing at least two political parties, be given control of the liquor traffic; and that a single police commissioner, similarly appointed and confirmed, be placed at the head of the police. The police commissioner should neither recommend nor grant licenses; but in case of disagreement between the commissioner and excise board as to the desirability of revoking such a license, for cause shown by the police commissioner, he should be given power to suspend the license at once, pending a reference of the question for final settlement to an appropriate judicial authority.

I would suggest that the salary of the commissioner of police should be such as to command the services of a man of tact, honor and ripe experience, — not by any means necessarily as a member of any police board, but certainly as an organizer and leader of men in war or peace.

INSANITY AND CRIME.

Over a hundred transfers from penal institutions to hospitals for the insane were made last year, and in the great majority of cases immediately after the reception of the convict at the prison. The criminal does not drift among the feeble-minded classes; the feeble-minded drifts among the criminal classes. We strike at the root of lawlessness when we strike in childhood at the morbid men-

talities that beget a criminal life. The time to enlighten the darkened brain is before it is darkened forever. It is well to reform an adult criminal; it is better to make a useful member of society of the child of backward intellect, before it has become a criminal or a permanent charge upon the people, or, as a father or a mother, has still further multiplied the ranks of the unfortunate.

One thousand children turned away from the School for the Feeble-Minded at Waltham in the last six years, for sheer lack of space, are now constantly appearing in other and more sinister institutions.

I urgently recommend to your attention the suggestions of the state board of insanity, urging the extension of help to the feeble-minded, not merely in the name of humanity, but of law and order and citizenship.

CHILD LABOR.

Massachusetts has ever been among the foremost in the protection of little children. It is a matter of congratulation that the Massachusetts idea of a national investigation of child labor, with the object of its suppression in every state, has at last been adopted and urged in a message to the congress by the president of the United States.

It is especially important at this time that Massachusetts prove her sincerity in this reform. The force of inspectors of the district police is no longer sufficient for thorough and frequent inspection of the rapidly increasing army of labor in our industries. I suggest the increase needed for the purpose of a more effective enforcement of laws against the employment of children.

A local force also exists, whose co-operation would be welcomed. The truant officer is or should be better posted than any other official as to the children in his district. The law now checks his willing service. I suggest the substitution for the words in chapter 106, section 34, of the Revised Laws, "Truant officers *may* visit the factories, workshops and mercantile establishments," etc., of the words, "Truant officers *shall* visit the factories, workshops and mercantile establishments," etc. The truant officer is now allowed without a warrant to hale an illiterate child to school if it is engaged in play. He should be given, what he has not now, the same power over the same child if engaged at work. The truant officer discovering a

child below the legal age at work is now merely permitted to report the case to the local school boards and other officials, in a long system of circumlocution. I suggest that the truant officer with evidence of such a breach of law in his possession be not merely permitted but ordered to report directly and at once to the district attorney.

Agents of the state bureau of labor statistics report to me that a shameful trade exists, which supplies for money false age and schooling certificates to children under age. This report is confirmed by the district police. Employers notable in their desire not only to obey but to promote the law have been deceived and victimized by this practice. The present penalty for the forcing of a child of tender years into a factory by the perjury of unnatural parents or others is a trivial fine. I shall leave it to your sense of justice whether a light fine without imprisonment is punishment severe enough for law-breakers who to-day in Massachusetts traffic not only in the toil but in the health and lives of little children.

Senators and Representatives:— We have been entrusted by the people with the business of the people, not with the promotion of partisan manœuvres for political purposes. We shall best earn approval by prompt and business-like performance of our legitimate duties. We legislate for a single Commonwealth, but that Commonwealth is Massachusetts. The Pilgrims faced cold and starvation to found here an asylum for freedom, they did not arrange for interference with the destinies of the Farthest East. Yet because of the foundations of American government, laid amid the winter gales at Plymouth, Anson Burlingame opened China to the world and Theodore Roosevelt sent peace among the nations. Those who have deserved best of their fellow men are those who, called to service, have sought to do the clearest, nearest duty well, and have found that honor followed without seeking.

The founders of Massachusetts set their hands to the rocks and the forests, — they did not impotently raise them to the skies.

Amidst the storm they sang,
And the stars heard, and the sea.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY
HIS EXCELLENCY THE GOVERNOR TO THE GENERAL
COURT DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 5, 1906.]

I have the honor to transmit herewith to the general court a report of the pardons granted in 1905, left with me by my predecessor in office.

CURTIS GUILD, JR.

[To the honorable senate and house of representatives, January 3, 1906.]

I have the honor to herewith present, in compliance with chapter 50 of the resolves of 1860, a report of the twenty-seven pardons issued by the governor, with the advice of the council, during the year of my administration just closed. Of the number thus released, eight were in the state prison, eight in houses of correction, eight in the Massachusetts reformatory and three in the reformatory prison for women. Serious illness was the controlling reason for the discharge of three.

WILLIAM L. DOUGLAS.

No. 1. ROY E. SAGENDORF. Convicted of burning a building, Superior Court, Berkshire county, July 16, 1901. Sentenced to the state prison for from eight to ten years. Pardoned Jan. 18, 1905, upon the recommendation of the complainant, Hon. H. C. Joyner of Great Barrington, where the crime was committed, and the district attorney. Sagendorf had served three and a half years. He was convicted, when a boy of sixteen, of setting fire to a building

owned by Mr. Joyner. The prisoner had a perfect prison record. This was his first offence. Mr. Joyner appeared before the pardon committee and urged the pardon.

No. 2. **ANDREW J. TRACEY.** Convicted of being a stubborn child, Municipal Court, Roxbury, Dec. 1, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 15, 1905, upon the recommendation of his father, who made the complaint under a misapprehension, on the ground that the prisoner had been sufficiently punished for a very slight offence.

No. 3. **ROBERT E. GALVIN.** Convicted of manslaughter, Superior Court, Essex county, Sept. 24, 1897. Sentenced to the state prison for from twelve to twenty years. Pardoned March 8, 1905, after serving a little less than eight years. The case was in many ways peculiar. Galvin, an under-sized, weak man, was bookkeeper in a Haverhill shoe factory, where Kydd, a large, powerful man, was foreman. Kydd was a quarrelsome man, did not support his family, and was not living with his wife. Galvin had an excellent character. The two had quarrelled for two years concerning their respective duties. On the occasion in question Kydd was clearly responsible for the altercation, drove Galvin into a frenzy, and finally seized him to put him out of the factory. Galvin, by the consent of his employer, was carrying a revolver, having just returned to the office with a large sum of money, and was helpless in the hands of a man twice his size. He drew his revolver and shot Kydd dead. He at once surrendered himself, expressing the bitterest regret for this, his first and only offence. When in court, however, in pleading for mitigation of sentence, he lost his temper in cross-examination by the district attorney, and was impertinent to the court. Galvin's employer urged pardon, and offered him a position. His previous record was without blemish, and he had a perfect prison record. His pardon was urged by the city marshal and almost every prominent citizen of Haverhill, and no objection was offered by the district attorney.

No. 4. **FRANCIS T. WATSON.** Convicted of larceny, Superior Court, Suffolk county, May 20, 1894. Sentenced to the Massachusetts reformatory on an indeterminate sen-

tence. Pardoned March 8, 1905, upon the recommendation of the complainants and many of the leading citizens of Somerville. His character previous to this affair had been above reproach. His conduct record during his imprisonment had been perfect. The pardon committee was of opinion that he had been sufficiently punished.

No. 5. MARY VIOLIS. Convicted of keeping a disorderly house, Superior Court, Suffolk county, Oct. 29, 1901. Sentenced to the house of correction for nine years. Pardoned March 15, 1905. She had served three and a half years. She was at the time of her pardon suffering from an abdominal tumor of some thirty pounds in weight, the removal of which had to take place at once, and which was likely to be followed by grave consequences and possibly fatal results. Her parents asked to take her to their home, where she could have proper care. Medical experts and the physician at Deer Island testified as to the dangerous nature of her condition.

No. 6. GEORGE S. TRIPP. Convicted of forgery, Superior Court, Bristol county, Feb. 18, 1903. Sentenced to the state prison for from three to four years. Pardoned March 15, 1905. Tripp forged his employer's name for \$14.50 while drunk. He cashed the check in a saloon, pleaded guilty on becoming sober, and received his sentence. He had served two years. This was his first offence. He had a perfect prison record. His father was a helpless cripple, and without means of support. The district attorney recommended the pardon, and Tripp's former employer offered to give him employment at once.

No. 7. DELLA MCLEAN. Convicted of robbery, Superior Court, Suffolk county, Jan. 27, 1901. Sentenced to the reformatory prison for seven years. Transferred to the house of correction at Deer Island. Pardoned March 22, 1905, upon the recommendation of many of the leading citizens of Boston, who knew the circumstances of the case, and who believed that there were extenuating circumstances which were not brought out at the trial, and that she had been sufficiently punished. Her health was gradually failing, with little hope of recovery if confined for the full term of her sentence.

No. 8. **ARTHUR B. O'BRIEN.** Convicted of larceny, Superior Court, Essex county, Jan. 21, 1905. Sentenced to the house of correction for two years. Pardoned March 22, 1905, upon the recommendation of the prison physician. O'Brien was incurably ill with consumption of the lungs. He was pardoned that he might die at home.

No. 9. **HARTWELL STAFFORD.** Convicted of assault, Superior Court, Suffolk county, September term, 1903. Sentenced to the house of correction for three years. Pardoned April 8, 1905, upon the recommendation of the prison physician, on the ground of the need of the immediate performance of a serious surgical operation on the prisoner's head. Removal from prison conditions was a medical necessity.

No. 10. **JOSE VIERRA SARMENTO.** Convicted of murder in the second degree, Superior Court, Bristol county, March 21, 1894. Sentenced to the state prison for life. Pardoned April 5, 1904. He had brought his fiancée over from the Azores, had paid all her expenses, and had been saving for years for a home. He had lived a good, industrious, honest life, and had a blameless record. Just before his intended marriage the girl jilted him for another man. Sarmento became crazed, shot the girl in the street, and was only prevented by the bystanders from committing suicide on the spot. Three years after his imprisonment in state prison it became necessary to transfer him to the asylum for the insane at Bridgewater, on account of his mental condition. Many prominent citizens in New Bedford, including Hon. W. W. Crapo and mayor Ashley, urged the pardon. Judge White, who was district attorney at the time of the trial, favored the pardon. The surgeon at Bridgewater and the Portuguese consul (the prisoner was a Portuguese subject) urged the pardon. Leading citizens from the so-called Portuguese colony in New Bedford appeared, and guaranteed the return of the prisoner to his home in the Azores.

No. 11. **MARY BARRY.** Convicted of drunkenness, Municipal Court, Brighton, Jan. 3, 1905. Sentenced to the reformatory prison on an indeterminate sentence. Pardoned April 12, 1905, on the ground that she had been sufficiently punished. This was her first conviction.

No. 12. CHARLES A. PEABODY. Convicted of embezzlement, Superior Court, Worcester county, May 29, 1902. Sentenced to the state prison for from three to five years. Pardoned April 12, 1905. Dr. Charles A. Peabody was superintendent of the Worcester hospital, and embezzled funds belonging to the city of Worcester. He was urged to the act by his uncle, who had brought Peabody up, and been his lifelong benefactor. This uncle swore to Peabody that the loan would be repaid at once. The uncle died insolvent. Peabody was not arrested. He called the trustees, and confessed his act. Dr. Peabody had served within six weeks of his full term. He had a perfect prison record. Pardon was asked on the ground that, if refused, he would not again be able to practise medicine. District attorney Rockwood Hoar favored the pardon.

No. 13. HENRY K. GOODWIN. Convicted of murder in the second degree, Supreme Judicial Court, Essex county, April 20, 1886. Sentenced to the state prison for life. Pardoned May 17, 1905. On Aug. 27, 1885, Henry K. Goodwin was arrested for the killing of Albert D. Swan, both of Lawrence, and upon trial, having been found guilty of murder in the second degree, was sentenced to the state prison for life. The government demanded his life, pleading for a verdict of murder in the first degree. The prisoner's counsel, Gen. B. F. Butler, pleaded for acquittal on the ground of insanity. Mr. Justice Allen in his charge to the jury stated that a verdict of murder in the second degree was permissible in case they believed the prisoner's mind to have been temporarily but not permanently impaired (see page 715, *Commonwealth v. Goodwin*). The jury adopted this suggestion. The motive for the murder was the delusion on Goodwin's part that Swan and his business associates were fleecing him out of a valuable patent in the shape of a telephonic apparatus, which Goodwin had invented and which Swan and his friends were financing. Ever since the crime Goodwin's relatives and friends have sought a pardon for him. On Aug. 27, 1905, Goodwin would have served twenty years, the longest specified time known to our laws, even for a refractory prisoner. In twenty years he had not had a single black mark against him. He had been not only a model prisoner, but a most useful one, being in entire charge of the prison telephone system. In England, as well as elsewhere, the twenty-year

limit is accepted as the period at the end of which all life prisoners are entitled by law without petition to a review of their case and conduct, with a view to the exercise of executive clemency. It cannot, therefore, be now said that clemency to an unusually useful prisoner is premature. Two years ago two of the first insanity experts of the Commonwealth, Dr. Edward Cowles and Dr. Walter Channing, were asked to examine the prisoner without prejudice, and to report on his present mental condition. They agreed as to the prisoner's freedom from insanity, noted that at the time of the crime he was suffering from acute depression, reported that state prison life and discipline had exerted a most beneficial effect on Goodwin's mental condition, and declared that Goodwin, if set free, was not likely to be subject to mental disorders, and therefore unsafe. This was Goodwin's only crime. His release was desired by an overwhelming majority of the citizens of Lawrence. He was offered employment at once by a mining corporation in Nevada, and by a large machinery shop in New Jersey. The prisoner had especially requested, as proof of his sincerity, that the pardon be made conditional on his remaining out of Massachusetts. The council felt that if a criminal is really unsafe he should never be released, but if safe, as stated by Drs. Cowles and Channing, and worthy of pardon, that he should be free unconditionally. The prisoner had served three years and nine months beyond what a prisoner of similar exceptional conduct and usefulness would suffer if given the longest term, short of life, known to our laws. Goodwin had an excellent record for bravery as a scout in the Union army, and endured the suffering of a prisoner at Andersonville. It was decided that if released he would be no menace to society, but a useful citizen.

No. 14. THOMAS FITZGERALD. Convicted of murder in the second degree, Supreme Judicial Court, Bristol county, Dec. 6, 1877. Sentenced to the state prison for life. Pardoned May 24, 1905. Fitzgerald was thirty-two when the crime was committed. He kept a small cobbler shop in Fall River. He had served in the army and navy, and was known as an honest, industrious man, who drank occasionally, but not to excess. His wife was intemperate, and the couple did not live happily on that account. They had a

child. About 11 A.M., Aug. 12, 1877, the wife, when partially intoxicated, went into the husband's shop. He told her to go home and prepare dinner. This she objected to, and an altercation ensued between the two, in the course of which she told him the child, of which he had every reason to believe he was the father, was not his. This so enraged Fitzgerald that he struck the woman with a shoe knife he had been holding in his hand, the stab making a deep cut, from which she died. He made no attempt to escape. Letters favoring the granting of the pardon were read from president Lincoln of the state board of charity, by whom Fitzgerald was once employed, ex-councillor Slade of Fall River, congressman Greene, judge Braley of the superior court, judge McDonough of the Fall River district court, Rev. Father Hughes of Fall River, and several others. Mayor Coughlin conducted the hearing for the petitioners. He said that the sentiment in Fall River was practically unanimous in favor of granting a pardon to Fitzgerald. P. Butler of Boston said he was willing to look out for Fitzgerald if the pardon was granted, and to guarantee that he would not become a public charge.

No. 15. ANNIE BAGAN, *alias* DEVEAU. Convicted of larceny, Superior Court, Essex county, May 24, 1904. Sentenced to the house of correction for two years. Pardoned May 24, 1905, upon the recommendation of the district attorney and probation officer, on the ground that she had been sufficiently punished.

No. 16. GEORGE G. FITZGERALD. Convicted of being a stubborn child, Municipal Court, Dorchester, April 15, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned June 7, 1905, upon the petition of the father, who made the complaint, and who had since realized that he acted hastily in the matter. The boy, who was but sixteen years of age, had never before been punished for any offence. He had a perfect record in the reformatory.

No. 17. JOHN B. CLANCY. Convicted of violating the liquor law, Sept. 20, 1904, Superior Court, Middlesex county. Sentenced to the house of correction for nine months, and to pay a fine of \$500. Pardoned June 17,

1905, upon the recommendation of the mayor, probation officer and many of the prominent citizens of Lowell. The prisoner had served his sentence of nine months, and was held in default of payment of fine. His wife was in the last stages of consumption, with no means of support. As the prisoner was utterly unable to pay the fine, a pardon was granted.

No. 18. WALTER E. OHLUND. Convicted of stubbornness, Municipal Court, Dorchester, April 11, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Aug. 16, 1905, upon the recommendation of the assistant probation officer, on the ground that he had been sufficiently punished.

No. 19. PROSPER LANGUIRAND. Convicted of larceny, First District Court, Essex county, May 11, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Aug. 30, 1905, on the ground that he had been sufficiently punished. This was his first offence. He is an only child, and had a good home to go to.

No. 20. WILLIAM COSGROVE. Convicted of breaking and entering, Superior Court, Suffolk county, Aug. 9, 1904. Sentenced to the house of correction for two years. Pardoned Sept. 13, 1905, upon the recommendation of the district attorney. It was evidently not so serious a case as was supposed at the time of trial.

No. 21. WILLIAM POWELL. Convicted of breaking and entering and larceny, Superior Court, Essex county, May 23, 1905. Sentenced to the house of correction for one year. Pardoned Sept. 13, 1905, upon the recommendation of the prison physician. Powell was fatally ill with tuberculosis of the lungs.

No. 22. HENRY ROACH. Convicted of larceny, Municipal Court, Boston, April 1, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 18, 1905, on the ground that he had been sufficiently punished. The offence was a trivial one.

No. 23. **RUSSELL M. NEWCOMB.** Convicted of breaking and entering. Trial Justice Court, Saugus, Nov. 30, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 18, 1905, upon the recommendation of the trial justice who sentenced him, the chief of police and chairman of the board of selectmen, also other prominent citizens of Saugus. He had no counsel at his trial. If the case had been properly presented at the time of trial, he would undoubtedly have been placed on probation.

No. 24. **HARRY STURN.** Convicted of stubbornness, Municipal Court, Boston, Sept. 2, 1905. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 20, 1905, upon the recommendation of his mother, who made the complaint, on the ground that he had been sufficiently punished. A good home and immediate employment awaited him.

No. 25. **SARAH W. DICKINSON.** Convicted of drunkenness, Western Hampden District Court, June 29, 1905. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Dec. 20, 1905, upon the recommendation of the justice who imposed the sentence. Her husband was anxious to have her released, and had a good home for her.

No. 26. **LOTTIE LEONARD.** Convicted of night-walking, Municipal Court, Boston, Nov. 15, 1905. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Jan. 3, 1906, on the condition that she first be united in marriage to Stephen Dromgoold, to whom she was engaged previous to her arrest, and who agreed in writing to become her husband.

No. 27. **EDWARD SCOTLAND.** Convicted of perjury, Superior Court, Suffolk county, Oct. 31, 1904. Sentenced to the state prison for from four to seven years. Pardoned Jan. 3, 1906. The police officers and others testified to his weak-minded, irresponsible condition at the time the offence was committed. The judge at trial suggested recourse to the governor and council for pardon.

[To the honorable senate and house of representatives, March 8, 1906.]

I have the honor to transmit herewith a copy of a communication received by me from the auditor of the Commonwealth in regard to the absence of legal authority for the payment of various amounts due as armory rentals to various cities and towns by the Commonwealth. I am sure that the matter will commend itself to you, as it does to me, as one worthy of immediate consideration.

[To the honorable senate and house of representatives, April 16, 1906.]

I have the honor to call your attention to the accompanying communication from the commission to recodify the insurance laws authorized by a resolve of the present year to serve in an advisory capacity to the executive and to the joint legislative committee on insurance.

In my inaugural address I called attention to the fact that the revelations as to the practices of the great life insurance companies of New York had roused the country to just indignation; that certain fraternal orders had met in convention, to suggest reforms; that the insurance commissioners of the various states had met, and were again to meet; and that committees of policy holders of the great New York companies had organized, and were later to report their findings.

At that time it was thought that the recommendations in regard to uniform life insurance legislation, which it was expected would be made by the convention to be held in Chicago in February, would be available before this date. This convention was composed of governors, attorneys general and insurance commissioners, or representatives designated by them, and was participated in by Massachusetts. The convention was adjourned to September, after having appointed a sub-committee to draft recommendations for much needed reforms.

The next general court should, in my judgment, consider the findings of this national insurance convention, and as any legislation on the subject of life insurance passed this year might need to be reviewed in the light of such recommendations, I suggest that your honorable bodies consider whether it may not be well to extend the life of the commission appointed under a resolve of the present legislature, with instructions to report to the next

general court what legislation is needed to make our present laws concerning life insurance correspond to the uniform legislation that may be recommended in September for the whole country, together with such additional legislation as the commission may deem wise.

Grave matters which demand wide-reaching reform might possibly be acted upon at once if we choose to do so, but I respectfully suggest to your honorable bodies that a more thorough reform may be obtained, and hopes for the enactment of more durable and uniform laws may be realized, if new legislation be postponed until after the completion of the inquiries and the report of the national insurance convention.

This course has already been pursued in Iowa, Kentucky, Maryland and Ohio, whose legislatures have already adjourned after deferring life insurance legislation until the insurance convention has made its report. I am informed that no state except New York has attempted to act in advance of this report, and those persons best qualified to express an opinion upon the condition of legislation in that state believe that bills pending in the New York legislature may, if passed now, require revision next year.

[To the honorable senate and house of representatives, April 20, 1906.]

The terrible calamity that has fallen upon the people of California has excited the sympathy of the entire world. The unusual character of the disaster renders unusual action not only necessary but desirable.

I beg to call your attention to the accompanying telegram from the governor of California in regard to the suffering and destitution of the people of a sister state. I suggest that action for their relief be taken today by the general court.

He gives twice who gives quickly.

[To the honorable senate and house of representatives, April 25, 1906.]

I am obliged to return with my objections thereto in writing an act entitled "An Act relative to the examination of applicants for appointment in fire departments."

I believe that, unless inefficient, call members of the fire departments should, upon examination, have precedence over inexperienced applicants for the permanent force. An examination of the rules, regulations and records of

the civil service commission shows that this preference substantially prevails today, and that with rare exceptions appointments are being made exclusively from the call list. If it is thought desirable to give the call men a still greater advantage this can at any time be done by the commission without the necessity of legislation.

The first provision of this bill gives only $37\frac{1}{2}$ per cent to physical fitness in the total examination. The physical examination should precede all other examinations and a fireman who fails to pass it should not be allowed to compete for the force. The allowing of but $37\frac{1}{2}$ per cent for physical fitness in a general examination would still allow $62\frac{1}{2}$ per cent to be attained by a helpless paralytic or a cripple. It is entirely conceivable that physically unfit persons might attain the necessary $2\frac{1}{2}$ per cent on physical fitness which with $62\frac{1}{2}$ per cent allowed to other portions of the examination would give them the necessary 65 per cent required to pass.

The second provision as drawn allows a weight of $37\frac{1}{2}$ per cent to be given to any man who has merely been on the rolls for two years, regardless of his record during those years. He may have shirked, he may have been disciplined for drunkenness or insubordination but under the terms of this bill his record of two years on the rolls counts $37\frac{1}{2}$ per cent.

The third provision gives only 25 per cent of the educational examination to general intelligence, knowledge of local data and professional duties.

Under this system it is only necessary for a man to have a sound constitution and to have escaped expulsion from the call list to secure 75 per cent.

He may show utter ignorance of local data or of his professional work, he may be illiterate, he may never have attended half a dozen fires in his life, he may show no knowledge of the machinery he is expected to control; still, with this bill a law, he would be marked 75 if physically sound and for any reason retained on the call roll for two years.

Bill after bill of this description, breaking down the merit system in Massachusetts by indirect attacks has been vetoed by my predecessors.

This bill was unquestionably offered in perfect sincerity but in practice it would in no way encourage discipline

or stimulate generous rivalry in the service of the Commonwealth. On the contrary it would encourage none but the malingerer and the shirk. I am convinced that a more careful examination of its provisions will condemn it in the eyes of all thoughtful men.

I therefore return it without my approval.

[To the honorable senate and house of representatives, May 1, 1906.]

I return without my approval an Act entitled "An Act relative to fire departments and the civil service."

This bill doubtless originated in the desire to more easily secure candidates for the call list, — always difficult to fill in the smaller municipalities. I have to inform your honorable bodies, however, that this object can be attained through the civil service commission and without additional legislation. The present system of examination for fire departments, is, I am informed by the commission, temporary, and is to be modified as soon as the commission can, after consultation with the local fire chiefs, formulate new regulations. But in order to place the temporary call list and the permanent list upon the basis desired, the commission feels that it should be provided with the inspectors necessary to do the work. A bill providing for the appointment of such inspectors is now pending before the legislature, and I am in hearty sympathy with its purposes. Many municipalities, moreover, are already within the classified service, having been placed there prior to July 1, 1905, and are not, therefore, affected by this bill.

If there are any men in the public service who are entitled to hold office during good behavior, if there are any public servants entitled to protection against improper political influences, those engaged in the protection of property and human life should be so protected. Yet this bill would permit the wiping out of that security in tenure of office which should belong to men whose vocation calls upon them to risk their lives in defence of others. If for any local or exceptional reason any municipality should be exempted from the general system, power is vested by statute in the civil service commission, with the assent of the governor and council, to make such exemption without the necessity of the legislation proposed by this measure, and which I regard as reactionary.

In addition to these specific reasons for withholding my approval of this bill, I feel constrained to say that its opening declaration is, as a precedent, the most dangerous threat to pure civil service that has ever been passed by a Massachusetts legislature. In its full significance it is a declaration substantially that the general principle of government to be henceforth recognized in this Commonwealth in all fire departments is the spoils system, with all that the phrase implies. Should this bill become a law the fair record of the Commonwealth would be smirched with a statutory declaration that only in exceptional cases is the merit system to be endorsed in this important branch of the public service. Once let the proposition be enacted into law even by inference that the discredited spoils system is the general basis approved by Massachusetts for the fire service, and there is no logical excuse for refraining from a similar backward step in connection with the entire public service of a Commonwealth that has hitherto boasted its leadership in civil service and other great reforms.

I trust that your honorable bodies may be willing to make it manifest that, whatever may be the exceptional needs of exceptional localities which, as I have already said, can be met by executive authority now established by statute, the people of Massachusetts are opposed to any declaration in favor of the spoils system such as is embodied in the wording of the first section of this bill.

[To the honorable senate and house of representatives, May 2, 1906.]

A bill entitled "An Act to extend the time in which intoxicating liquors may be sold in certain cities" was yesterday recalled by the honorable senate and being now in possession of the clerk of that body is, I find on consultation with the attorney general, business not yet finally disposed of.

I had hoped that it might be possible to amend the bill so as to relieve it of certain objections which in its present form make it unsatisfactory to me.

I have conferred with responsible representatives of the great Boston business associations, and they agree that the objections to this bill, applying as it does not to Boston only but to smaller residential and industrial communities, are such as to justify reconsideration.

That no parliamentary objection may stand in the way

of relief for the city of Boston I therefore by special message beg to urge upon you the passage of such legislation.

The city of Boston should be treated as a metropolis. For years it has been claimed that conditions of life, and of orderly life, in Boston differ from those that prevail in smaller municipalities of the Commonwealth, and that the drastic restrictions with respect to hotel accommodations in Boston are driving business away from our chief city to other municipal centres in other states. Every business organization of prominence in Boston has asked for relief from these local conditions.

I trust that your honorable bodies will not let any consideration prevent the passage of some measure embodying the legislation that really is demanded, properly safeguarded so that the privilege desired shall be granted only to those not likely to abuse it.

[To the honorable senate and house of representatives, May 11, 1906.]

I return without my approval a bill entitled "An Act relative to boating and fishing in certain great ponds."

The great ponds affected are Whitehall pond, the Washacum lakes and Lake Cochituate, all of them portions of the metropolitan water supply. That the water in all such ponds and reservoirs should be free from pollution is a matter of vital moment to the lives of nine hundred and fifty thousand people.

A limited number of licenses for boating are now issued by the metropolitan water and sewerage board under careful safeguards and are made revocable in case of any violation of the regulations of the board.

By the terms of this bill appeal from refusal by the metropolitan water and sewerage board to register any boat may be made to certain local justices, who while residing in the midst of those asking the use of these reservoirs for the purpose of sport, do not, as a matter of fact, reside in the district which uses the water for drinking purposes. The control of the original issue of licenses for boating is thus absolutely transferred from the metropolitan board now in charge of the water supply to these local justices. Moreover, no court or any body is given authority to pass upon the fitness of the owners of the boats. The bill specifically limits the question to be decided to the condition of the

boats themselves. Worst of all, neither court nor commission is given powers to revoke any license once granted no matter how it may have been abused. Indeed the bill specifically exempts any registered boat from control under "any rule or regulation to the contrary now or hereafter made by said board."

The door is thus opened to the defilement of the metropolitan water supply at will by offal or refuse of any description if thrown into the water from boats. The special danger under this bill of defilement of the character most fertile in producing typhoid fever is obvious.

During the twelve years preceding the taking of the Boston water supply by the metropolitan water board, the number of deaths from typhoid fever, within the present metropolitan water district, aggregated 2,503, an average of 208.6 per year.

During the next seven years the deaths from the same disease, within the same area, amounted to but 1,320, an average of about 190 annually. The difference in these annual averages is even greater when the increase in population of the district is taken into account. That is to say, in a much larger population, far fewer deaths from typhoid fever have occurred year after year since the supply began to receive the protection afforded by intelligent legislation.

The strict rules enforced in Massachusetts with regard to the use of public water supplies have produced throughout this state a condition of purity of water international in its reputation.

It is well that every possible facility should be given for hearty out-door exercise, but it is not well, in order to let down the bars for unlimited use and abuse of such privileges by a few thousand, that the lives of a million should be put in hourly jeopardy.

[To the honorable senate and house of representatives, May 21, 1906.]

I return without my approval an act entitled "An Act relative to the election of aldermen in the city of Boston", which provides for the election of aldermen by districts.

A system of electing aldermen by districts has been twice tried and twice abandoned since 1890. Since that year the legislature has given Boston the privilege of experimenting with seven separate laws for electing aldermen. The bill which I return is the eighth. The chief

advantage of the district system is the reduction of political expenses of candidates. It is true also that the large number of names on the ballot used in an election at large tends to confuse the voter and to give an advantage to candidates whose names begin with one of the first three letters of the alphabet.

The district system, however, leaves those in the minority in any one district no direct opportunity to exercise any influence in the election of the members of either of the two deliberative bodies in the city government. It limits the full force of public opinion and encourages the alderman so elected to spend his time in securing executive favors for his district rather than sound legislation for the city. It makes it easier to secure enough votes to drive from office those whose courage is invariably supported by the community at large but who might be defeated if powerful interests were permitted to concentrate their efforts on one district.

Moreover, while I believe the district system, as typified in this bill, is honestly and sincerely supported by many conscientious citizens, it is vigorously and publicly opposed by other citizens of Boston equally honest and conscientious; and besides other objections I cannot endorse the omission from the bill of a referendum clause which would allow the citizens of Boston to express their opinion in the matter, especially after their very brief experience with the present law.

[To the honorable senate and house of representatives, June 4, 1906.]

I return herewith a bill entitled "An Act to extend the time in which intoxicating liquors may be sold in certain cities." My principal objections to this bill may be found embodied in the special message which I sent to your honorable bodies May second.

Moreover, the principal demand for the passage of such legislation has now, in my judgment, been adequately met by the enactment of chapter 395 of the acts of the current year, entitled "An Act to extend the time in which intoxicating liquors may be sold by innholders in the city of Boston," the same having been approved by me May 17th.

[To the honorable senate and house of representatives, June 7, 1906.]

I have the honor to transmit to you a copy of a letter from the honorable William H. Taft, secretary of war, asking the consent of the Commonwealth of Massachusetts to the purchase by the United States of four parcels of land in the town of Hull.

A proposed draft of the act necessary is also enclosed. In accordance with the request of the honorable secretary of war, I invite your immediate consideration of this matter.

[To the honorable senate and house of representatives, June 15, 1906.]

It is my sad duty to announce to the general court the death, this morning, of the honorable Michael J. Sullivan, member of the executive council from the fourth district. He served his district with untiring diligence and the Commonwealth with an earnest sincerity of purpose.

His loss will be felt not alone by those associated with him in official life but by all who remember a willing hand and a kind heart.

[To the honorable senate and house of representatives, June 19, 1906.]

The recodification of the insurance laws of the Commonwealth by the commission appointed for that purpose in accordance with chapter two of the resolves of the current year has already been submitted to your honorable bodies.

I now have the honor to transmit herewith for your consideration a further report made by the commission at my request in regard to certain changes in the insurance laws which have been deemed by the commission to be desirable.

[To the honorable senate and house of representatives, June 20, 1906.]

I return herewith a bill entitled "An Act to authorize and require the metropolitan water and sewerage board to construct and maintain a system for the disposal of the sewage of the village of Saxonville in the town of Framingham."

This bill carries with it no provision for an appropriation nor are there funds available to carry its provisions into effect. No system of sewerage could therefore be constructed under it, even if signed.

The reason alleged for calling upon the metropolitan district to construct a sewerage system for a town not in that district is that the village of Saxonville is not permitted to use the Sudbury river for drainage purposes, the water of that river being utilized for drinking purposes by the metropolitan district. This ground for damages is brought forward thirty-four years after the taking of the river by the city of Boston.

I have called for expert opinion on this matter from the state board of health. They inform me that the village of Saxonville has sustained no damage in connection with drainage, as under no circumstances could the slow and sluggish Sudbury river ever be used for drainage purposes. Its drop is but two feet in twenty-six miles.

The town of Concord, further down the river, with a larger flowage, was prevented from using this river for drainage purposes, such purposes being inimical to the public health. That town promptly constructed its own sewerage works. Easthampton, under similar conditions, has taken similar action.

An act has just been passed authorizing the payment to the town of Clinton of an award on account of the utilization of the Nashua river for the metropolitan water supply. But the case of Clinton is not parallel in any respect with that of Saxonville. The Nashua river is a swift-flowing stream. It was very properly used by Clinton as an outlet for sewage and when the river was diverted from that purpose the sewage outlet into the river was necessarily abandoned.

Saxonville had no sewerage works when the Sudbury river was taken and has none now. The Sudbury river, if ever used by individuals for drainage, was improperly used. No such use has been countenanced for a third of a century and even should the river be handed back to the town, no such use would be permitted by a board of health desiring to save the people from a wide-spread pest of malarial or even typhoid fever.

As Saxonville could not be permitted to drain into the Sudbury river under any conditions, no obligation therefore rests on the metropolitan district to construct a sewerage system such as must be constructed in any event, and such as has been constructed at their own expense by other towns bordering upon similar streams.

[To the honorable senate and house of representatives, June 23, 1906.]

I should not, at this late date, detain you with a special message did I not deem it my duty to call your attention to most unusual and unjust conditions.

I congratulate you on the defeat of a measure that would have sanctioned the possible consolidation of all transportation in Massachusetts under the control of a single corporation. The present railroad situation, however, is most unjust and inequitable. Our steam railroad system is forbidden to meet the competition of electric street car lines by purchase or control of their stock, but another controlled by men who are not citizens of Massachusetts is not only permitted to exercise that privilege but is exerting it today to such an extent that healthy competition in western Massachusetts is already throttled.

Slowly, surely the control of our own railroads, the control of the passage to market of every Massachusetts product, the control of the transportation to and from his work of every Massachusetts citizen is passing from our hands to those of aliens.

I therefore urge upon you with all the strength that is in me the passage of some legislation giving relief from this grave injustice. Let Massachusetts announce that transportation within her borders is in the future to be controlled by the people of Massachusetts and not by men beyond the reach of her law and the inspiration of her ideals.

[To the honorable senate and house of representatives, June 28, 1906.]

I return herewith a bill entitled "An Act to provide for certain rewards to veterans of the civil war."

No cause appeals more to me than the recognition of those who have risked their lives for their country. The character and sentiment of Massachusetts is well expressed by the thoroughness with which the Commonwealth cares and has cared for the interests of those who in time of war have served in the defence of the United States.

Statues and testimonials have been supplemented by an expenditure of money on behalf of the veteran unequalled by that of any other state in the Union.

Of every four dollars raised by direct taxation under existing statutes from the people, one dollar is now paid

to veterans in some form. The appropriations for the benefit of veterans made necessary under existing statutes this year and signed by me amount to more than \$900,000. The direct state tax this year is \$3,500,000. Over a quarter, therefore, of our entire direct tax is made necessary by the care Massachusetts now gives to the veteran soldier and sailor.

On page 19 of the last report of the auditor will be found the figures showing that up to December 31, 1905, Massachusetts has expended in round numbers thirty-one millions of dollars in state aid to veterans and eighteen millions of dollars in bounties. The auditor informs me that excluding certain interest charges that might legitimately be reckoned, the total expenditure of Massachusetts on behalf of veterans to date is over sixty-one million dollars, not only the largest amount paid out of any state treasury for such benefit of veterans, but an amount larger than the sums paid for that purpose out of all the other state treasuries combined.

In recognition of war services no other Commonwealth can begin to compare with Massachusetts.

For three successive years an attempt has been made, and with perfect honesty of purpose, to increase as in the present bill, the burden of the Massachusetts tax-payer for the benefit of the Massachusetts veteran. This bill provides for a free gift of money to veterans who did not receive a bounty. It is admitted that the number who under this law could apply for this gift is unknown. The amount really involved is therefore uncertain. It is even provided that to make such gifts we may increase our state debt.

In the last decision of the supreme court on such legislation, it was clearly stated that in such awards "the question ordinarily will be whether the benefit is conferred as an appropriate recognition of distinguished and exceptional service." No such provision for conferring these awards on veterans of exceptional service is in the present bill.

The bill before me corresponds to the description given of a measure declared by the supreme court (senate document No. 366, 1906) to be unconstitutional in the following words:

"It is a familiar rule of law that a statute is to be in-

terpreted in reference to its purpose and effect, as shown by its application to the subject to which it relates. If a bill should appear, by its substantive provisions, to be a measure for the equalization of bounties among the soldiers of Massachusetts who served in the civil war, or for the payment of moneys to make the result of their contracts of enlistment more favorable to certain soldiers because the contracts of other soldiers were made on better terms, it would be unconstitutional, even if it contained recitals that the payments would be made in recognition of valuable services, with a view to the promotion of loyalty and patriotism."

The supreme court has not ruled on this particular bill in its present form. Every attempt to submit this particular bill to the supreme court has been defeated by the friends of the measure and on them must lie the responsibility. The limit of five days permitted me for consideration forbids such reference before executive action.

In 1904 the supreme court declared a similar bill unconstitutional. In the opinion of the last attorney general both the bills of this description brought to his attention were unconstitutional. The present attorney general gives me as his opinion that this bill is unconstitutional. My two immediate predecessors as governor, with the sanctity of their oath of office to support the constitution and laws of this Commonwealth laid upon them, have been forced to veto similar measures.

My obligation is no less than theirs. No man esteems more highly than I the services of those who are peculiarly my comrades, but not even for their sakes can I deliberately violate the constitution of this Commonwealth.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, chapter 154, section 14, the returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth in their respective counties:—

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
Jan. 10.	Arline Nelson,*	Arline Shaw,	Harwich.
March 14.	Helen Cole La Favour,* . .	Helen Cole Baker,	Barnstable.
June 13.	Viola Francis Bassett, . . .	Viola Francis Chase, . . .	Harwich.
Oct. 3.	Alan Fay,	Alan Motley Fay,	Falmouth.

BERKSHIRE COUNTY.

March 21.	Walter E. Braman,*	Walter Alfred Mitchell, . . .	North Adams.
July 18.	Lois Etta Hamlin,	Lois Etta Twining,	Sandisfield.
18.	Ethel Rebecca Hamlin, . . .	Ethel Rebecca Twining, . . .	Sandisfield.
24.	Paul William Nichols,* . . .	Paul William Harrington, . .	Pittsfield.
Aug. 25.	Elizabeth T. Austin,*	Elizabeth Teresa Pettitt, . .	Pittsfield.
25.	Thomas Austin,*	Thomas William Pettitt, . .	Pittsfield.
Sept. 12.	Harold Allen,*	Harold Scagel Thomas, . . .	North Adams.
30.	John Murray,*	Michael Flynn,	Pittsfield.
Oct. 18.	Martha Mildred Thomas,* . .	Martha Mildred Campbell, . .	North Adams.
Nov. 4.	Gertrude Adelia Green,* . . .	Edna May Friss,	Pittsfield.
Dec. 1.	Alfred Joseph Akers,*	Alfred Joseph Scarbo, . . .	Adams.
6.	William Mallison,*	Albert Cuthbert Spring, . . .	Sandisfield.
16.	Edward O. S. Maynard,* . . .	Charles Almer Lamon, . . .	North Adams.
21.	William Burgess Smith,* . . .	William Burgess Sargood, . .	Lee.

BRISTOL COUNTY.

Jan. 6.	Alice Maud Brown,*	Alice Maud Johnson,	Taunton.
Feb. 3.	Madeline F. Foss,*	Madeline Foss Mansfield, . .	New Bedford.
3.	Sadie Hadden,*	Helen Brooks Davis,	New Bedford.
10.	Ella May Davis,*	Ella May Wylie,	Mansfield.
March 17.	Ernest Laurier,*	Ernest Surprenant,	New Bedford.
April 21.	Emma Cleveland Handy,* . .	Emma Parris Handy,	Westport.
May 5.	Margaret Smart,	Madeline May Tripp,	Berkley.
June 9.	Grace M. Hoyt,*	Grace M. H. Pratt,	Seekonk.
9.	Charles Hoyt,*	Charles Hoyt Pratt,	Seekonk.
16.	William McDonald,*	William Cortelyou Draper, . .	Norton.
July 7.	Augusta B. Sylvia,*	Augusta B. Sampson,	New Bedford.
7.	Ethel Anderson,*	Ethel Smith,	New Bedford.
Aug. 4.	Margaret Mulaney,*	Margaret Mulaney Bride, . .	No. Attleborough.
4.	Emily Platt,*	Emily Sweet,	New Bedford.
Sept. 1.	Stuart T. Corcoran,*	William H. Seaver, Jr., . . .	Worcester.
8.	Kathleen Florence Gilmore,* .	Kathleen Florence Medley, . .	Fall River.

* Changed by reason of adoption.

CHANGE OF NAMES.

BRISTOL COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
Sept. 15.	Ethel Stanley,*	Alice Nada Whiteley,	Taunton.
15.	Emily Peters,*	Emily P. Sylvia,	New Bedford.
15.	William T. Brunnett,*	William T. Benoit,	New Bedford.
15.	Dorothy S. Johnson,*	Dorothy Wing Bradford,	New Bedford.
15.	Bertha Barnes,*	Bertha Scott,	Taunton.
Oct. 20.	Charles Duprey,*	Charles Joseph Buckley,	Fall River.
20.	Otto F. Gendron,*	Otto F. Stadler,	New Bedford.
Nov. 3.	Joseph Francois,*	Joseph F. Binette,	Fall River.
10.	Irene Lemieux,*	Irene May Buchanan,	New Bedford.
17.	Winifred Roberts,*	Pauline Steele,	Fall River.
17.	Alice Hayston,*	Alice Smith,	Fall River.
17.	Lissie Hayston,*	Lissie Smith,	Fall River.
17.	Mabel Hayston,*	Mabel Smith,	Fall River.
Dec. 1.	Helen Pilling,*	Helen Pilling Taylor,	Fall River.
15.	Charles Lockwood,*	Charles Lockwood Wilmot,	New York.

DUKES COUNTY.

Dec. 4.	Jessie Mae Ward,	Elsie Mae Hillman,	Chilmark.
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ESSEX COUNTY.

Jan. 2.	Alice B. Applebee,*	Alice B. Haken,	Lynn.
2.	Mary Doris Abbott Reynolds,*	Mary Doris Reynolds,	Lynn.
5.	Harry Isador Cohen,	Harry Isador Cowan,	Haverhill.
12.	Pauline Dwyer,	Pauline Eveleth,	Swampscott.
26.	Elias Kapelovich,	Elias Kapelson,	Lawrence.
Feb. 6.	Catherine Lee,*	Catherine Ellen McKinnon,	Holden.
6.	Lillian Ouellette,*	Lillian Desjardins,	Salem.
20.	Ethel May Burrell, otherwise		
	Mary Pearl Cotter,*	Dorothy Isabell Pow,	Lawrence.
20.	William A. Colclough,	William Alexander Coakley,	Swampscott.
20.	Alice M. Cooper,	Alice Florine Morse,	Haverhill.
20.	Charles M. Ladd,	Charles Melvin Howorth,	Amesbury.
March 20.	Josie Clark Cochey,*	Josephine Clark Cochey,	Lynn.
30.	Ethel Mae Harrington,*	Ethel Mae Roberts,	Hamilton.
April 3.	Sarah E. Leighton,*	Mabel Leighton Canney,	Lawrence.
3.	Faith Newcomb,*	Faith Grover,	Boston.
3.	Edmund Lawrence Barnard,	Edmund Johnson Barnard,	Peabody.
6.	Cassie Isabel Tracy,*	Cassie Isabel Pevear,	Lynn.
10.	Adoniram Judson Marshall,	Alfred Judson Marshall,	Haverhill.
10.	Alice O. Brown,*	Ruth Alice Hanson,	Haverhill.
13.	Myrtle Drew Aldrich,*	Myrtle Drew Champion,	Newburyport.
17.	Geneva Palmer,*	Geneva Wonson Palmer,	Gloucester.
17.	Thomas Graham,*	Thomas Graham Linehan,	Lawrence.
17.	Florence May Coppelman,*	Elsie Olive Holden,	Lowell.
20.	Helen Lucy Steeves,*	Helen Steeves Parsons,	Moncton, N. B.
May 4.	Gladee,*	Gertrude Edna Tatham,	Lynn.
8.	Berton Ambrose Motz,*	Berton Motz Vose,	Lawrence.
15.	Annie M. Hurley,*	Annie Marie Phelan,	Lynn.
15.	Charles Caswell,*	Charles Arthur Roberts,	Westfield.
15.	Winifred Peterson, otherwise		
	Winifred Hamquist,*	Ethel Florence Brown,	Stoughton.
18.	Daniel Leonard Hall,*	Leonard Daniel Leary,	Lynn.
18.	Helen S. Hall,*	Helen Sadie Callahan,	Lynn.
22.	Mildred Edna Aldrich,*	Mildred Edna Howe,	Newburyport.
June 5.	Marguerite Alma George,*	Marguerite Idella Johnston,	Salem.
26.	Haiganoosh Anjoorian,*	Haiganoosh Takasian,	Lawrence.
July 3.	Howard S. Spaulding,	Howard Kirk Spaulding,	Peabody.
3.	Florence R. Johnson,*	Florence R. Edeison,	Lynn.
10.	Edna Mackin,*	Edna May Coombs,	Malden.

* Changed by reason of adoption.

CHANGE OF NAMES.

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ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
July 10,	Adelaide Marion McIntire,*	Adelaide Marion Merrill,	Lynn.
10,	Mary Romkey, otherwise Mary Allen,*	Mary Allen Hoyt, . . .	Cambridge.
17,	Isaac Sharaselsky, . . .	Isaac Share, . . .	Salem.
17,	Rebecca Sharaselsky, . . .	Rebecca Share, . . .	Salem.
17,	Barnet Wolf Sharaselsky, . . .	Barnet Wolf Share, . . .	Salem.
17,	Samuel Sharaselsky, . . .	Samuel Share, . . .	Salem.
17,	Jacob Sharaselsky, . . .	Jacob Share, . . .	Salem.
17,	Amy Belle Johnson,*	Amy Belle Cosseboom, . . .	Lynnfield.
17,	Alva Kouris Bancroft,*	Alva Kouris Eldridge, . . .	North Andover.
17,	Olive May Stone,*	Clara Frances Jones, . . .	Lynn.
Aug. 7,	Charles Augustus Conboy,*	Allen Conboy, . . .	Lynn.
Sept. 5,	Beatrice Winnefred Houghton,*	Grace Eleanor Payson, . . .	Boston.
5,	Martha Belle Neill,*	Martha Belle Evans, . . .	Danvers.
5,	Alfred Sanders,*	Alfred Churchill Payson, . . .	Boston.
5,	Shaffelburg,*	William Cobb Lamson, . . .	Lynn.
5,	Max M. V. Aust, . . .	Max Herman Austin, . . .	Lawrence.
5,	Carl Oscar Person, . . .	Charles Oscar Pearson, . . .	Lynn.
18,	Ruth Viola Abbott,*	Eleanor Collins Hart, . . .	Chelsea.
Oct. 2,	Edith Boyce,*	Ruth Evangeline Ordway, . . .	Peabody.
2,	Jessie Florence White, . . .	Jessie Florence Hayter, . . .	Lynn.
23,	Harold Francis Leavitt,*	Harold Edward Cormier, . . .	Lynn.
26,	John Reagan,*	William John Dillon, . . .	North Andover.
Nov. 13,	Oscar William Freitag, . . .	Oscar William Frye, . . .	Lawrence.
Dec. 1,	John Warren Collyer,*	John Warren Harris, . . .	Marblehead.
18,	Harold Hazen Cleaves,*	Harold Cleaves Fuller, . . .	Haverhill.
18,	Gertrude Marinva Roch,*	Gertrude Marinva Nickerson, . . .	Swampscott.
18,	John Stephen Gurchinsky, . . .	John Stephen Gushin, . . .	Lynn.
21,	Marion Kingaley,*	Gertrude Helen Barber, . . .	Boston.

FRANKLIN COUNTY.

Feb. 7,	Doris Sutherland,*	Doris Elaine Leland, . . .	Ashfield.
7,	Gracie E. Munson,*	Grace Munson Woolslager, . . .	Shelburne.
March 7,	Dorothy Smith,*	Dorothy Mary Ann Thompson, . . .	Montague.
April 4,	Vida May Munson,*	Vida Munson Woolslager, . . .	Shelburne.
18,	Walter Everett Banta, . . .	Stanley Walter Maxam, . . .	Colrain.
June 6,	Ethel Mabel Grover,*	Ethel Mabel Partridge, . . .	Montague.
Sept. 13,	Kate Jamrock,*†	Kate Margaret Furinton, . . .	Colrain.
Oct. 31,	Davidson,*	Gladys Emma Hinds, . . .	Greenfield.
Dec. 5,	Ethel Jane Race,*	Ethel Jane Goland, . . .	Greenfield.

HAMPDEN COUNTY.

Feb. 1,	William David McKay,*	Ralph Samuel Edgerly, . . .	Springfield.
1,	Lillie Miskovsky,*	Lillian Mae Karr, . . .	West Springfield.
3,	Hattie Blake Richmond,*	Hattie Blake Jenne, . . .	Springfield.
March 1,	Alexander McCulloch,*	Alexander Hirst, . . .	Chicopee.
1,	Mildred McCulloch,*	Mildred Hirst, . . .	Chicopee.
16,	Blanche Novak,*	Rosella Josephine Lavigne, . . .	West Springfield.
April 5,	Myrtle Frances Britton,*	Myrtle Frances Woodward, . . .	Chicopee.
5,	Marie Edith Walsh,*	Marie Edith Leguard, . . .	West Springfield.
5,	Laura Rose Churchill,*	Laura Rose Churchill Hall, . . .	Springfield.
5,	Lina Frappier,*	Lina Gauthier, . . .	Holyoke.
5,	Elizabeth Bennett Wilson,*	Marion Bennett Cummings, . . .	Springfield.
May 17,	Viola Rogers,*	Viola Moore, . . .	Palmer.
July 5,	Dorothy Damon,*	Dorothy Sanderson, . . .	Springfield.
5,	Frank Edward Moore,*	Frank Edward Bolliger, . . .	Brattleboro', Vt.
19,	Delia Anita Frechette,*	Delia Anita Burnham, . . .	Holyoke.
Oct. 2,	Consuelo Polley Osborne,*	Consuelo Polley Bailey, . . .	Springfield.

* Changed by reason of adoption.

† Appeal taken to supreme judicial court and case still pending.

HAMPDEN COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
Nov. 1.	Edward Francis Stevens,*	James Elihu Brown,	Springfield.
1.	Hans Green Rasmussen, alias Johanis Green Rasmussen,	John Green Robinson,	Holyoke.
15.	Marie B. S. Yvon, alias Barna- dette Yvon,*	Barnadette Mary Murphy,	Holyoke.
15.	Joseph M. Yvon, alias Eudore Yvon,*	Eudore Joseph Murphy,	Holyoke.
Dec. 6.	Lina Berube,*	Lina Picard,	Holyoke.
6.	Gladis Jackson,*	Ruth Gladis Franklin,	Russell.
11.	Gracey Lester Campbell,	Lester Campbell,	Westfield.
16.	Frederick William Schiebel,*	Frederick William French,	Springfield.

HAMPSHIRE COUNTY.

Jan. 3.	Edith J. Thayer,*	Edith Viola Cole,	Northampton.
3.	Bertha Chamberlain,*	Alberta Kathryn Dyer,	Northampton.
Feb. 7.	Madriel Muller,*	Marjorie Esther Hendrick,	Huntington.
7.	Annie Ferguson,*	Katherine Fahey O'Connor,	Easthampton.
June 6.	Howard Robert Sheldon,*	Howard Robert Russell,	Easthampton.
13.	John Penney,*	Norberry Betcher Baillieul,	Northampton.
Aug. 1.	Roy McLean,*	Roy Luft Nesbit,	Huntington.
Sept. 5.	Dorothy Douglas,*	Dorothy E. Barney,	Northampton.
5.	Alexander Beck,*	Alexander Foote,	Chesterfield.
5.	Silas Marvin Moore,*	Silas Marvin Boshan,	Southampton.

MIDDLESEX COUNTY.

Jan. 3.	Pauline Congdon,*	Marjorie Imogene Warner,	New Bedford.
3.	Mary Dooley,*	Mary Henehey,	Everett.
5.	George Brown Pettit,	George Pettit Osgood,	Cambridge.
9.	Oscar Leonard Hogan,	Oscar Leonard Huntting,	Watertown.
9.	Edna Colley,*	Edna Colby Coleman,	Boston.
17.	Norman C. Langan,*	Walter Lafrance,	Lowell.
20.	Charles Main,*	Charles Farrell,	Newton.
23.	Josephine C. Conney,*	Josephine C. Chamberland,	Boston.
24.	Frederick William Ryder,	Frederick Thomas Ryder, Jr.,	Malden.
24.	Mildred Viola Baird,*	Mildred Etta Trackelton,	Medford.
24.	Olive Irene Lavender,*	Eleanor Sutherland,	Westfield.
24.	Katherine Margaret Lycett,*	Katherine Margaret Fitzgerald,	Somerville.
24.	Agnes Winifred Quinn,*	Yvonne Laroche,	Framingham.
24.	Charles McGilvery,*	Herbert Austin Brackett,	Amesbury.
24.	Harold James Wheeler,*	Harold La Verne Ramsey,	Boston.
24.	Sylvia May Goodnow,*	Dorris Gertrude Davis,	Otis.
24.	Aleck Madison,*	Bruce Edward Woodbury,	Gloucester.
27.	Anna Josephine Mitchell,	Anna Wood,	Somerville.
Feb. 1.	Elizabeth M. Cameron,*	Elizabeth Margaret Jessamin,	Cambridge.
1.	Lillian Scott,*	Lillian Esther Faulcon,	Cambridge.
1.	Laura Scott,*	Laura Franklin Faulcon,	Cambridge.
7.	Adelaide Bateman,*	Alice Dorothy Kenison,	Boston.
7.	Mamie Armstrong,*	Minnie Estella Murray,	Lowell.
23.	Susie Cummings Davis,*	Susie Early,	Boston.
March 7.	Mabel Harris,*	Mabel Harris Gainey,	Boston.
8.	Annie Saunders,*	Doris Anna Cook,	Everett.
13.	Frank Everett DeWolfe,*	Frank Everett Chapin,	Framingham.
14.	James Cook Hobbs,*	James Cook Emerson,	Somerville.
15.	Mabel Marion Parsons,*	Mabel Marion Deveau,	Somerville.
21.	Pearl Ethelyne Hartwell,*	Pearl Ethelyne Williams,	Watertown.
21.	Jessie Proulx,*	Jessie Peltier,	Lowell.
28.	Franklyn H. Curran,*	Franklyn Huntington King,	Everett.
28.	Francis Searles,*	Joseph Francis Heppeler, Jr.,	Worcester.

* Changed by reason of adoption.

CHANGE OF NAMES.

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MIDDLESEX COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
March 28,	Jennie L. Bartlett,*	Mildred Packard,	Somerville.
28,	John William Tapio,*	John Franklin Logrien,	Maynard.
April 4,	Katherine Warshauer,	Katherine Fonseca,	Cambridge.
May 3,	Percy R. Stewart,*	Percy R. Wall,	Boston.
3,	John P. Stewart,*	John P. Wall,	Boston.
3,	Kenneth A. Stewart,*	Kenneth A. Wall,	Boston.
9,	Mary Ellen Murnane,*	Mary Ellen Jack,	Wakefield.
9,	Alice Taylor,*	Alice Dora Carter,	New Marlborough.
9,	Marion Keenan,*	Marion Babin,	Boston.
10,	James Barry McCashin,	Barry Putnam,	Lowell.
10,	Elenore Christiane Sorenson,*	Christiane White,	Everett.
12,	John Mooney,	John Manchester,	Townsend.
16,	Elizabeth Grace Abbott,	Elizabeth Thayer Abbott,	Lowell.
18,	Mollie Fischlowitz,	Mollie Fisk,	Waltham.
18,	Samuel Fischlowitz,	Samuel Fisk,	Waltham.
June 6,	Charles Fletcher Adams,*	Charles Fletcher Wood,	Somerville.
6,	Ralph Thompson,*	Ralph Henry Smith,	Arlington.
6,	Madeline Tilton Smith,*	Rebecca Mildred Alvord,	Lynn.
13,	Dorothy Maude Grant,*	Dorothy Maude Hansen,	Tewksbury.
15,	Daisy Hagerman,*	Daisy Hagerman Evans,	Bear Island, N. B.
20,	Emile Vincent,*	Aime Vincent,	Lowell.
21,	John Sigimund Rosenthal,	John Sigimund Wilson,	Lowell.
21,	Gertrude M. Simpson,*	Gertrude May Keane,	Carlisle.
21,	Louise L. Burdick,*	Mildred Louise White,	Enfield.
27,	Edna Olive Higgins, alias Olive E. Higgins,	Olive Edna Downs,	Waltham.
July 11,	Delia A. Clark,	Delia A. Moore,	Winchester.
11,	Norman Beverly Creighton,*	Norman Beverly Creighton Emerson,	Frammingham.
24,	Charles Gerard Garbrabant,*	John James Coffey,	Cambridge.
25,	Irene Blanche Durand,*	Irene Blanche Bibeau,	Lowell.
Sept. 2,	Franklin Howard Elwin,*	Franklin Howard Shaw,	Somerville.
5,	Leon Martin,*	Robert Donald Gardner,	Lynn.
5,	Blanche Boyce,*	Irma Price Traphagan,	Peabody.
5,	Firth Baynum Marshall,*	Firth Baynum Andrews,	Melrose.
13,	George Freeman,*	George Freeman Fairbank,	Milton, N. S.
15,	Elizabeth May Martin,*	Hattie E. May Packard,	Hudson.
19,	Palmira Rose Matthews,*	Onar Palmira Paine,	New Bedford.
26,	David Sandquist,	David Anderson,	Waltham.
26,	Thomas Connors,*	Thomas Connors McCrory,	Boston.
26,	Elmer McEachern,*	Elmer Carter,	Cambridge.
26,	Charles Falvey,*	Charles Lacey,	Watertown.
27,	Max Rosenthal,	James Maxwell Wilson,	Newton.
Oct. 3,	Helen Martell Calderwood,*	Dorothy May Martell,	No. Haven, Me.
6,	Joseph Franklin Gonyeau,	Joseph Franklin Spaulding,	Arlington.
6,	Robert Bundy,*	Robert Arthur Packard,	Hudson.
11,	Albert Edward Smith,*	Albert Edward Key,	Lowell.
18,	Bertha Frances McLaughlin,*	Bertha Frances Vickery,	Arlington.
24,	James Edward Kelly,*	James Louis Hammerschlag,	Everett.
24,	Milton Akers,*	Milton Fuller Macdonald,	Lexington.
25,	Julia Agnes Fanion,*	Julia Agnes Richard,	Shirley.
25,	Emily Marie Louise Fanion,*	Emily Marie Louise Ebare,	Shirley.
Nov. 8,	Marie J. Marshall,*	Marie J. Sousa,	Cambridge.
8,	Brandon Walsh,*	Henry Clifford Cameron,	Boston.
10,	Mary Frances Geary,*	Mary Frances Elliott,	Bedford.
13,	Elsie Rollins,*	Nellie Dorothy Shumaker,	Boston.
13,	William Chase Conden,	William Conden,	Somerville.
14,	Ruth Greeley,*	Ruth Eleanor Douglass,	Taunton.
14,	Earl Quinlar, alias Christopher Bickford,*	Charles Earl Wilson,	Millbury.
14,	James McCasky,	James Brown,	Lowell.
21,	Ruth Eleanor Brewer,*	Ethel Ruth Bartlett,	Everett.
21,	Ethel M. Kimball,*	Ethel Kimball Bodwell,	Tyngsborough.
22,	Edward J. Short,*	Edward Short Trefren,	Somerville.
24,	Mildred Ross,*	Edith Ross Johnson,	Boston.
24,	Rayford Ross,*	Clifford Ross Johnson,	Boston.
28,	Christian Mathieson Gaarder,	Christian Mathieson Gordon,	Cambridge.

* Changed by reason of adoption.

MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1905.			
Dec. 1.	Mabel Jane McCarthy,*	Mabel Jane Crowson,	Stoneham.
1.	Margery Stevens,*	Eileen Webster,	Waltham.
4.	Frederick MacKinnon,*	Clifford Frederick Marden,	Boston.
11.	Ellie Mabel Cutting,	Eleanor Mabel Cutting,	Weston.
12.	Mabel Kendall,*	Mabel Keniston,	Fall River.
12.	John W. Foss,*	John Ralph McMillan,	Strafford, N. H.
12.	Lawrence Willson,*	Kenneth Campbell Bridgham,	Boston.
13.	Florence R. Snyder,*	Florence R. Slocum,	Somerville.
14.	Ruth M. Cavanaro,*	Ruth M. Malaney,	Cambridge.
15.	William N. Cain,	William N. Robbins,	Somerville.
19.	Everett Johnson Parlee,*	Everett Johnson Boulter,	Chelmsford.
20.	Charles P. Thurber,*	Charles Patrick Troy,	Somerville.
26.	Louise E. Fitzpatrick,*	Louise E. Morgan,	Lowell.
29.	Ellen Whitehead,*	Ellen Rose Soper,	Chelsea.

NORFOLK COUNTY.

Jan. 18.	Clayton Lawe,*	Clayton Everett Smalling,	Hyde Park.
25.	Dennis Philip Small,	Dennie Philip Small,	Brookline.
March 1.	Francisek Seraficki Staniszevski,	Frank Seraficki Stanford,	Wellesley.
1.	Catherine V. Lynes,*	Frances Muriel Horrocks,	Needham.
April 5.	Bessie C. Hill,*	Bessie C. Sherman,	Brookline.
20.	Ruth Ann Putney,	Ruth Kellogg,	Wellesley.
26.	Robert Taft Herriek,	Robert Frederick Herriek,	Milton.
26.	— Holt,*	Douglas H. Edgecomb,	Wellesley.
May 3.	Walter Joseph Frye,	Walter Joseph Billings,	Canton.
3.	Charles Harper Frye,	Charles Harper Billings,	Canton.
3.	Marion Louise Frye,	Marion Louise Billings,	Canton.
3.	Frank Clarke Frye,	Frank Clark Billings,	Canton.
10.	Elsa Bjorklund,*	Elsa Virginia Carlson,	Quincy.
17.	Missag G. Hagopian,	Fred Cross,	Hyde Park.
24.	Mary Halpin,*	Mary Gertrude Underhay,	Holbrook.
June 7.	George Loring Fogerty,	George Loring,	Brookline.
14.	Arthur Waldo Towle,	Arthur Waldo Ferry,	Hyde Park.
21.	Albert Benedix,*	Albert Benedix Pfeifer,	Dedham.
21.	Viola Coyle,*	Ruby Belle Winslow,	Brookline.
28.	Lillian Agnes Beasall,*	Lillian Agnes Beckman,	Needham.
July 21.	Marjorie Martin,*	Marjorie Ellen Hammond,	Stoughton.
26.	Olive Hazel Reed,	Olive Hazel Witham,	Canton.
26.	George Wardle Walsh,	George Wardle Alkebrook,	Needham.
26.	Thomas Alfred Jackson,*	Thomas Alfred McLeod,	Milton.
26.	Leslie Whitman Hatch,*	Frederic Leslie Sanford,	Wellesley.
26.	Lillian Rose Lafreniere,*	Lillian Rose Bilodeau,	Dedham.
Sept. 6.	Abraham G. Rubin,	George A. Ravven,	Canton.
6.	George L. McOracken,	George L. Hatfield,	Brookline.
Oct. 11.	John Casey,*	John Thomas Moore,	Wellesley.
Nov. 8.	William Dowd,*	William Dowd Reid,	Dedham.

PLYMOUTH COUNTY.

Jan. 9.	Mary Edna Farrell,*	Mary Edna Levellie,	Middleborough
23.	Vida May Sampson,*	Mary Allegra McKinnon,	Brookton.
Feb. 27.	Nina Grose,*	Ruth I. Telfer,	Brookton.
March 27.	Joseph O'Connell,*	Joseph Russell Alden,	Whitman.
April 24.	Lillian May Davis,*	Lillian May MacDonald,	Brookton.
24.	Mary Elizabeth Silk (called Cook),*	Marie McDonnell,	Brookton.
May 22.	Violet May Weir,*	Violet May Johnson,	Brookton.
June 12.	Lillian Almira La Cross,*	Olga Lillian Sampson,	Marshfield.

* Changed by reason of adoption.

CHANGE OF NAMES.

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PLYMOUTH COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
June 26.	— Strang,*	Edward Hale Beale,	Brockton.
July 10.	James Everett Cook,*	James Everett Magoun,	Hanson.
Aug. 28.	Olga P. Saviozzi,*	Dorothy Marian Thomas,	Middleborough.
28.	James Morris Terry,*	James Morris Baker,	Brockton.
Sept. 11.	Lillian Ruth Mansfield,*	Lillian Ruth Litchfield,	Scituate.
Oct. 23.	Lillian Dailey,*	Sibyl Howard Nute,	Brockton.
Nov. 13.	— Rockwell,*	Elmer Theodore Stetson,	Whitman.
1906.			
Feb. 24.	Alice Evelena Tilden,*	Alice Evelena Weatherbee,	Scituate.

SUFFOLK COUNTY.

1905.			
Jan. 6.	Harry Rubin,	Harry Stern,	Boston.
6.	Agop Hamondn,	Antony Charles Hammond,	Boston.
12.	William Horvits,	William Harvey,	Boston.
12.	Florence Horvits,	Florence Harvey,	Boston.
12.	Mary Mullen,	Mary Mulligan,	Boston.
12.	Leslie A. Rosenberg,*	Leslie A. Pike,	Boston.
12.	Michael Henry Quirk,*	Henry Michael Keaveny,	Boston.
19.	Marcus Rabinowits,	Marcus Reuben,	Boston.
19.	Ruben L. Slotofski,	Ruben L. Slator,	Boston.
26.	Roland Winfield Ward,	Roland Winfield Manual,	Boston.
26.	Blanche Matilda Powell,*	Bertha Matilda Welch,	Boston.
27.	Antonio Ferrullo,*	Antonio Dell' Aquila,	Boston.
27.	Nicola Ferrullo,*	Nicola Dell' Aquila,	Boston.
Feb. 2.	Donald Campbell Bjorkman,	Donald John Campbell,	Boston.
2.	Irving Raymond Blair,*	Irving Webb Dunn,	Boston.
9.	John Gardner Raymond Winn,	John Gardner Raymond,	Boston.
9.	Mary McLeod,*	Gladys Cora Monroe,	Boston.
9.	Henry Joseph Learned,*	Henry Joseph Rolfe,	Boston.
16.	Annie F. Dwyer,*	Annie F. Conley,	Boston.
16.	Maria Teresa Camucio,*	Maria Teresa Cascio,	Boston.
23.	Hattie M. Merrill,*	Hattie May Johnson,	Boston.
23.	William Pilcher,*	William Saleman,	Boston.
March 9.	William Pinchos Goldwasser,	William Pinchos Eldridge,	Boston.
9.	Lillian U. Frissell,	Lillian Noble,	Boston.
16.	Abraham Isaac Goldstein,	Abraham Culver Golden,	Boston.
16.	Thomas Spencer,	Frank Stone,	Boston.
16.	Bernard Loughlin,	Bernard Locklin,	Chelsea.
16.	Patrick Mullen,	George Washington Lane,	Boston.
16.	Bertha Hill Spencer,	Bertha Hill Stone,	Boston.
23.	Catherine G. Malone,*	Catherine Gertrude Thomas,	Boston.
23.	Allie Arthur Berman,*	Allie Arthur Silverstein,	Boston.
30.	Samuel Levinsky,	Samuel Livingston,	Boston.
30.	James William Dolan,	James William Wellington,	Boston.
30.	Eugene Hamilton,*	Leon Benjamin Humphrey,	Boston.
30.	Percy Linwood French,*	Perley Linwood Pushard,	Haverhill.
30.	Annie Mattson,*	Annie Prince,	Boston.
30.	Naomi Dorothy Peak,*	Dorothy N. Cooley,	Revere.
30.	Arthur Berry Barton,*	Arthur Lindsley,	Lynn.
April 6.	Joseph Blair,*	Joseph Harold Dwyer,	Unknown.
6.	Bertha M. Wheeler,*	Ruth Harriet Moore,	Leominster.
6.	Bailey Swirsky,	Bailey Sawyer,	Boston.
6.	Julius Swirsky,	Julius Sawyer,	Boston.
6.	Mendal Swirsky,	Mendal Sawyer,	Boston.
6.	Max (W) Cohen,	Max Waldo Coen,	Boston.
6.	Leopold Borovaki,	Leopold Theodore Barrows,	Boston.
6.	Louise Borovaki,	Louise Barrows,	Boston.
12.	Lillian Joyce,*	Ether Lillian McIntyre,	Boston.
12.	Julia Ann Mulligan,*	Louise Carolyn Dwyer,	Boston.
12.	Lillian Gertrude Mirick,*	Lillian Stewart Norris,	Worcester.
20.	Saul Sipperstein,	Charles S. Stone,	Boston.
20.	William Peter Smith,	William Payson Smith,	Boston.
20.	Sarah Jane Walker,	Genevieve Walker,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

SUFFOLK COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
April 20.	Ralph Nowlan,*	Maurice Cooper Levy,	Boston.
27.	Mary Elizabeth Curley,	Mary Elizabeth Meadows,	Boston.
28.	Francis Collins,*	Francis C. McKervery,	Boston.
May 4.	Florence L. Carey,*	Florence L. Walker,	Boston.
11.	Albert Kaplan,	Albert Copeland,	Boston.
11.	Thomas F. Saxton,*	Thomas Saxton Talbot,	Boston.
11.	Edith Viola Stromberg,*	Edith V. Dahlstrom,	Boston.
11.	Oscar Julius Stromberg,*	Oscar J. Dahlstrom,	Boston.
11.	Alfred William Stromberg,*	Alfred W. Dahlstrom,	Boston.
18.	Mary F. Brown,*	Mary F. Douglas,	Boston.
18.	Maudie Champion,*	Lillian Maud Henderson,	Swampscott.
18.	Marian E. Douglas,*	Marian Elizabeth O'Leary,	Boston.
18.	Austin Lawler,*	Francis Besso,	Boston.
18.	Paul Richard Carl Radetaky,	Paul Richard Charles Weidner,	Boston.
18.	Gilbert Foster Fogg,	Gilbert Foster,	Boston.
22.	Sadie Rowena Jones,*	Sadie Rowena Kenerson,	Boston.
22.	James Ernest Thompson,*	James Ernest McLeod,	Boston.
25.	Elizabeth S. Barrett Morton,*	Elizabeth S. Morton Barrett,	Boston.
25.	Samuel Czarlinsky,	Samuel Carver,	Boston.
25.	Louis Ellis Wlensky,	Louis Ellis Williams,	Boston.
25.	Vivian Gertrude Howe,*	Alice Gwendolen Carmichael,	Cambridge.
June 1.	Jennie Agnes Philbrick Kennedy,	Jennie Agnes Philbrick,	Revere.
1.	Edith Harriet Duffield,*	Edith Margaret Butters,	Beverly.
1.	Patrick Joseph Brown,	Joseph Jameson Brown,	Boston.
5.	Dorothy Edna Hoddinot,*	Dorothy Louise Spinney,	Boston.
8.	Helen Davis,*	Helen Davis Curley,	New Bedford.
8.	Edward Allison Dugdale,	Edward Gerrit Williams,	Boston.
15.	Cassell Levy,	Cass Levy Leavitt,	Boston.
15.	Gladys Sumner Lacey,*	Gladys Henrietta Jaycox,	Boston.
15.	Blanche Lillian Swift,*	Coral Evelyn Simpson,	Boston.
22.	Henrietta Chisholm,*	Diana Giardo,	Boston.
29.	Annie Schumsky,	Annie Shuman,	Boston.
29.	Josephine Mildred Whitman,	Josephine Mildred Lee,	Beverly.
29.	George Schumsky,	George Shuman,	Boston.
29.	Lowena Edwards Barnard,*	Lowena Edwards Sheldon,	Boston.
29.	Francelia Niles Barnard,*	Francelia Niles Sheldon,	Boston.
July 6.	Gertrude Hazel McPhee,*	Hazel Gertrude Nason,	Somerville.
6.	Donald L. Dorr,*	Donald Dorr Ayers,	Jefferson.
13.	Hannah Labetha Hultman,*	Vivian Louise Fletcher,	Chelsea.
20.	James D. Campbell,*	George Henry Degnim,	Boston.
20.	Charles Arthur Playden,	Charles Arthur Salter,	Boston.
21.	Victor Herne Singleton,*	Victor Müller,	Boston.
27.	Alfred Heiler,*	Walter Herman Gibbs,	Boston.
27.	Mabel Smith,*	Evea Lavina MacCreedy,	Boston.
Aug. 17.	John Henry Bardenhagen,	John Henry Barden,	Boston.
17.	Michael A. Cohen,	Michael A. Papert,	Boston.
17.	Ida Cohen,	Ida Papert,	Boston.
17.	Dorothy Eleanor Wilson,*	Dorothy Eleanor Calnen,	Boston.
Sept. 5.	Walter Harrison Brown,*	Walter Harrison Crafts,	Boston.
7.	Michael C. Joyce,	Charles M. Callahan,	Boston.
7.	Michael Wm. Brick,	Michael William Breck,	Boston.
7.	Francesco Defina,	Frank Motta,	Boston.
7.	Giuseppe Liuzai,	Joseph Motta,	Boston.
7.	Henry F. Finkenstein,	Henry F. Ferguson,	Boston.
7.	Francis Casey,*	James Francis Lacey,	Boston.
7.	Saint Clair Theodore Richardson,*	Saint Clair Theodore Richardson Morse,	Boston.
7.	Clarence Allen,*	Hadley Johnson,	Boston.
14.	John B. Lagorio,	John B. L. Solari,	Revere.
14.	Edward Shea,*	Edward Whitlow,	Winchester.
14.	Hortense D. Locke,*	Hortense D. Phillips,	Boston.
21.	Charles J. Rosenthal,	Charles J. Rose,	Boston.
28.	Solomon Aronson,	Solomon Hersel Harrison,	Boston.
28.	John J. Haverty,	John J. Hathaway,	Boston.
30.	Helen G. Connolly, alias Cosgrove,*	Helen G. Fullerton,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1905.			
Oct.	5. Johanna Lebowich, . . .	Johanna Le Bow, . . .	Boston.
	5. Louis Lebowich, . . .	Louis Le Bow, . . .	Boston.
	6. Emerald Cameron,* . . .	James George Siddall Madigan, . . .	Boston.
	12. Donato Ferrocchia,* . . .	Luigi Capadilupo, . . .	Boston.
	12. John Kimball,* . . .	John Buchanan, . . .	Boston.
	12. David H. Rosenthal, . . .	David H. Ross, . . .	Boston.
	12. Agnes Marie Jowdry,* . . .	Agnes Marie Banihy, . . .	Boston.
	12. Abraham Slonimsky, . . .	Abraham Sloane, . . .	Boston.
	12. Henry Risegari,* . . .	Henry Joseph Bruno, . . .	Boston.
	14. Elena Degano,* . . .	Elena Guarente, . . .	Boston.
	19. Samuel Elmer Geddis,* . . .	Samuel Elmer Geddis Winalow, . . .	Concord.
	26. Grace Mae Hadsell,* . . .	Grace Mae Davis, . . .	Boston.
	26. Walter John Andriakie, . . .	Walter John Andrews, . . .	Boston.
	26. Caleb Edward Moffitt, . . .	Edward Reginald Caleb Moffitt, . . .	Boston.
	26. Eunice Burton,* . . .	Eunice Hingley, . . .	Boston.
Nov.	2. Elizabeth Roach, . . .	Alice Finneran, . . .	Fall River.
	2. Eugene P. Sylvester, . . .	Eugene P. Redihan, . . .	Chelsea.
	9. Isaac Louis Greenglass, . . .	Isaac Louis Green, . . .	Boston.
	9. Bernard Lipsey, . . .	Bernard Libby, . . .	Boston.
	9. Harold Lipsey, . . .	Harold Libby, . . .	Boston.
	9. Isaac H. Lipsey, . . .	Isaac H. Libby, . . .	Boston.
	9. Joseph Lipsey, . . .	Joseph Libby, . . .	Boston.
	9. Maurice Lipsey, . . .	Maurice Libby, . . .	Boston.
	9. William Lipsey, . . .	William Libby, . . .	Boston.
	9. Paul Ritson Furlong, . . .	William Harrison Furlong, . . .	Boston.
	9. Hugo John Rosenwinkel, . . .	Hugo Jahn, . . .	Boston.
	9. Josephine Kodl, . . .	Josephine Mottel, . . .	Boston.
	23. Laura Etta Andriakie, . . .	Laura Etta Andrews, . . .	Boston.
	23. Harry Benjamin Goldstein, . . .	Harry Benjamin Golden, . . .	Boston.
	23. Thomas W. McLean,* . . .	Thomas W. Brown, . . .	Boston.
Dec.	1. Anna Stasia G. Stevens,* . . .	Anna Stasia G. Shea, . . .	Boston.
	7. Hilda Cohen, . . .	Hilda Fisher, . . .	Boston.
	7. Joseph Cohen, . . .	Joseph Fisher, . . .	Boston.
	7. Bertha Marion Clark, . . .	Bertha Clark Bennett, . . .	Boston.
	7. Minna Wigderovits, . . .	Minna Wigder, . . .	Boston.
	7. Mair Wigderovits, . . .	Mayer Wigder, . . .	Boston.
	7. Lena May Goodwin,* . . .	Lena May Durkee, . . .	Boston.
	14. Margaret Stewart,* . . .	Margaret Lucy Lackey, . . .	Boston.
	14. Alma Litsenberger,* . . .	Elisabeth Spethmann, . . .	Boston.
	14. Lucy B. Harrigan, . . .	Lucy B. Summers, . . .	Boston.
	14. Clarence Waugh,* . . .	Clarence Milo Price, . . .	Somerville.
	14. Floretta Violet Farmer,* . . .	Priscilla Amy Hutchinson, . . .	Plymouth, N. H.
	16. Mary Alice De Souza, . . .	Mary Alice Eaton, . . .	Boston.
	21. Frank Welch,* . . .	Arthur Joseph Leary, . . .	Boston.
	21. Francis MacDonald,* . . .	Ralph Emerson Deyo, . . .	Boston.
	21. Joseph Dean Lethola,* . . .	Joseph Henry Bond, . . .	Boston.
	28. Rollin Pierce,* . . .	Rollin Stewart, . . .	Boston.
	28. Jacob Rosenberg,* . . .	Jacob Edward Lakin, . . .	Boston.
	30. — Howard, alias Peckham,* . . .	Margaret Ellis Little, . . .	Boston.

WORCESTER COUNTY.

Jan.	10. Nathan Branholz, . . .	Nathan Brown, . . .	Worcester.
	16. Claire Aimee Marie Girard,* . . .	Claire Girard Irish, . . .	Fitchburg.
	16. Achille Girard,* . . .	Archibald Girard Irish, . . .	Fitchburg.
Feb.	1. John Stewart,* . . .	John Stewart Peacock, . . .	Grafton.
	7. Annie Elizabeth Benoit,* . . .	Yvonne Charbonneau, . . .	Worcester.
	14. Bessie M. Witherell,* . . .	Bessie Mabel Baker, . . .	Northbridge.
March	24. Ruth Beatrice Liljegen,* . . .	Ruth Beatrice Foreman, . . .	Holden.
	7. Millie B. Jamison,* . . .	Millie Edith Aldrich, . . .	Whitingham, Vt.
	14. Gertrude Lillian Gordon,* . . .	Sylvia Gertrude Johnson, . . .	Hardwick.
	14. Helen McPhoe,* . . .	Helen Elisabeth Koskuba, . . .	Athol.
	14. William Henry Sherman, . . .	William Henry Brown, . . .	West Brookfield.

* Changed by reason of adoption.

CHANGE OF NAMES.

WORCESTER COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1905.			
March 14.	Nellie Sherman.	Nellie Brown.	West Brookfield.
14.	William Henry Sherman.	William Henry Brown.	West Brookfield.
14.	Mary Elmira Sherman.	Mary Almira Brown.	West Brookfield.
20.	Alice Hyde.*	Alice Hyde Tucker.	Brookfield.
31.	Philip Hope.*	Philip Hope Baker.	Worcester.
April 3.	Rosanna January.*	Rosanna Fountain.	Webster.
4.	Lee A. Brewster.*	Leigh Brewster Goddard.	Gardner.
11.	Alice M. Bird.*	Alice M. Sawyer.	Gardner.
18.	— Preet.*	Elizabeth Mary Campbell.	Webster.
May 2.	Lena Beatrice Tatro.*	Lena Beatrice Savery.	Gardner.
16.	Abbie J. Lewis.	Abbie J. Graves.	Lancaster.
23.	Lyda Hale.*	Lyda Madeline Worthley.	Fitchburg.
June 12.	Bessie Alberta Hall.*	Bessie Alberta Powney.	Fitchburg.
27.	Gladys Clarke Sharpe.*	Olive Myrtle Cudworth.	Charlton.
July 17.	Lillian Edith Ruel.*	Lillian Edith Ruel Stevens.	Oxford.
19.	Agnes Geifvert.*	Agnes Lydia Goldberg.	Worcester.
Aug. 24.	Edward Lewis Frink.*	Curtis Edward York.	Westborough.
24.	Mary M. Booth.*	Herma Burton Moore.	Milford.
Sept. 12.	Hazel Viola Collier.*	Marion Johnson.	Pittsfield, Me.
12.	Joseph Lubjinski.	Joseph Lubin.	Worcester.
12.	Lilla Belle McOrmond.	Lilla Belle Ormond.	Worcester.
15.	Horace G. B. Cole.*	Horace Bragg Knight.	Worcester.
25.	Eline Louise Evensen.*	Louise Whittemore.	Gardner.
Oct. 10.	Gladys Eva Miller.*	Gladys Eva Wright.	Worcester.
17.	Robert Bryant.*	Robert Bryant Johnson.	Westborough.
17.	Margaret Geer.*	Margaret Geer Johnson.	Westborough.
24.	Emily Sackett.*	Emily Sargent.	Fitchburg.
Nov. 8.	Nellie Marshall.*	Nellie Viola Miles.	Templeton.
14.	Theresa Margaret Moran.*	Margaret Theresa Courville.	Brookfield.
20.	Harry Chester Tyler.*	Harry Chester Camp.	Leominster.
28.	Mabel Carlson.*	Mabel Carlson Taylor.	Ashburnham.
29.	Katherine Duyan.*	Beatrice Mackie.	Worcester.
Dec. 4.	Lillian Carr.*	Lillian Cornell.	Sutton.
5.	Rosie Woods.*	Mildred Rosina Gunn.	Worcester.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF
The Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1906.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
CURTIS GUILD, JR.,
GOVERNOR.

CHARLES F. GETTEMY *Private Secretary.*
EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR
EBEN S. DRAPER,
LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

I. — DAVID G. PRATT Middleborough.
II. — SIDNEY O. BIGNEY Attleborough.
III. — WARREN W. RAWSON Arlington.
IV. — THOMAS J. GRADY * Boston.
V. — LEWIS H. BARTLETT Lynn.
VI. — ALFRED E. COX Malden.
VII. — WILLIAM A. LYTLE Worcester.
VIII. — JOHN W. WHEELER Orange.

WILLIAM M. OLIN,
SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* HERBERT H. BOYNTON, *2d Deputy.*

ARTHUR B. CHAPIN,
TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.* A. B. C. DEMING, *2d Clerk.*
WENDELL P. MARDEN, *Cashier.*

HENRY E. TURNER,
AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

DANA MALONE,
ATTORNEY-GENERAL.

WALTER PERLEY HALL, FRED T. FIELD,
FREDERIC B. GREENHALGE, JAMES F. CURTIS,
ASSISTANT ATTORNEYS-GENERAL.

ANDREW MARSHALL, *Law Clerk.* LOUIS H. FREESE, *Chief Clerk.*

* Elected by the Legislature, June 29, in place of Michael J. Sullivan, who died June 15.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1896.

SENATE.

President — WILLIAM F. DANA.

District.	Name of Senator.	Residence.
First Suffolk, . . .	John E. Beck, . . .	Chelsea.
Second " . . .	James J. Mellen, . . .	Boston.
Third " . . .	William Taylor, . . .	Boston.
Fourth " . . .	John J. Gartland, . . .	Boston.
Fifth " . . .	Guy W. Cox, . . .	Boston.
Sixth " . . .	Edward L. Logan, . . .	Boston.
Seventh " . . .	John F. Cusick, . . .	Boston.
Eighth " . . .	Frank Seiberlich, . . .	Boston.
Ninth " . . .	Daniel W. Lane, . . .	Boston.
First Essex, . . .	John M. Grosvenor, Jr., . . .	Swampscott.
Second " . . .	William D. Chapple, . . .	Salem.
Third " . . .	George A. Schofield, . . .	Ipswich.
Fourth " . . .	James H. Walker, . . .	Amesbury.
Fifth " . . .	Louis S. Cox,* . . .	Lawrence.
First Middlesex, . . .	William F. Dana,† . . .	Newton.
Second " . . .	Frederick J. Macleod, . . .	Cambridge.
Third " . . .	Elmer A. Stevens, . . .	Somerville.
Fourth " . . .	Charles L. Dean, . . .	Malden.

* Resigned June 29.

† Resigned July 9.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . .	Harrie C. Hunter, . . .	Marlborough.
Sixth " . . .	Chester W. Clark, . . .	Wilmington.
Seventh " . . .	Horton H. Hilton, . . .	Lowell.
Middlesex and Essex, . . .	Sidney A. Hill, . . .	Stoneham.
First Worcester, . . .	Arthur M. Taft, . . .	Worcester.
Second " . . .	Allan G. Buttrick, . . .	Lancaster.
Third " . . .	Morton E. Converse, . . .	Winchendon.
Fourth " . . .	Charles N. Prouty, . . .	Spencer.
Fifth " . . .	Samuel E. Hull, . . .	Millbury.
First Hampden, . . .	Fordis C. Parker, . . .	Springfield.
Second " . . .	Daniel D. Mahoney, . . .	Chicopee.
Franklin and Hampshire, . . .	Frank Gerrett, . . .	Greenfield.
Berkshire, . . .	Thomas F. Cassidy, . . .	Adams.
Berkshire and Hampshire, . . .	William H. Feiker, . . .	Northampton.
First Norfolk, . . .	Edward B. Nevin, . . .	Weymouth.
Second " . . .	Prentiss Cummings, . . .	Brookline.
First Plymouth, . . .	William Seward Kyle, . . .	Plymouth.
Second " . . .	George H. Garfield, . . .	Brockton.
First Bristol, . . .	Silas D. Reed, . . .	Taunton.
Second " . . .	Frank M. Chace, . . .	Fall River.
Third " . . .	William J. Bullock, . . .	New Bedford.
Cape, . . .	Heman A. Harding, . . .	Chatham.

HENRY D. COOLIDGE, *Clerk.*
 EDWARD A. HORTON, *Chaplain.*
 DAVID T. REMINGTON, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — JOHN N. COLE.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Robert J. Gove, . Gilbert M. Stalker, .	Boston. Boston.
2d,	Boston, Ward 2,	{ John J. Douglass, . John F. Sullivan, .	Boston. Boston.
3d,	Boston, Ward 3,	{ John J. Conway, . Daniel J. McDonald, .	Boston. Boston.
4th,	Boston, Ward 4,	{ John H. Quinlan, . Richard S. Teeling, .	Boston. Boston.
5th,	Boston, Ward 5,	{ Timothy J. Buckley, . Maurice J. Power, .	Boston. Boston.
6th,	Boston, Ward 6,	{ Thomas J. Grady,* . George A. Scigliano,† .	Boston. Boston.
7th,	Boston, Ward 7,	{ James F. McDermott, . John Quinn, Jr., .	Boston. Boston.
8th,	Boston, Ward 8,	{ Martin M. Lomasney, . Robert K. McKirdy, .	Boston. Boston.
9th,	Boston, Ward 9,	{ Edward F. Fitzgerald, . Frank J. Gethro,‡ .	Boston. Boston.
10th,	Boston, Ward 10,	{ J. Bernard Ferber, . George H. Moore, .	Boston. Boston.

* Resigned June 29.

† Died June 17.

‡ Expelled from membership June 21.

COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11,	March G. Bennett, Grafton D. Cushing,	Boston. Boston.
12th,	Boston, Ward 12,	Fred A. Ewell, Frank E. Gaylord,	Boston. Boston.
13th,	Boston, Ward 13,	Eugene T. Brazzell, William L. Newton,	Boston. Boston.
14th,	Boston, Ward 14,	John J. Driscoll, Patrick J. Shiels,	Boston. Boston.
15th,	Boston, Ward 15,	Edward C. Creed, John H. Toland,	Boston. Boston.
16th,	Boston, Ward 16,	William J. Doogue, John M. McDonald,	Boston. Boston.
17th,	Boston, Ward 17,	Theodore A. Glynn, Michael J. McEttrick,	Boston. Boston.
18th,	Boston, Ward 18,	John J. Butler, Michael P. Daly,	Boston. Boston.
19th,	Boston, Ward 19,	John F. Egan, Joseph E. Mooney,	Boston. Boston.
20th,	Boston, Ward 20,	Thomas Leavitt, Frank W. Thayer,	Boston. Boston.
21st,	Boston, Ward 21,	Fred E. Bolton, Edwin T. McKnight,	Boston. Boston.
22d,	Boston, Ward 22,	Jacob H. Mock, Walter A. Webster,	Boston. Boston.
23d,	Boston, Ward 23,	John J. Conway, A. S. Parker Weeks,	Boston. Boston.
24th,	Boston, Ward 24,	Gideon B. Abbott, Herbert W. Burr,	Boston. Boston.
25th,	Boston, Ward 25,	Allen Clark, Jr., Michael J. Coyle,	Boston. Boston.
26th,	Chelsea, Wards 1, 2,	Thomas F. Driscoll,	Chelsea.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
27th,	Chelsea, Wards 3, 4, .	Samuel O. Jones, .	Chelsea.
28th,	{ Chelsea, Ward 5, . } { Revere, . . . } { Winthrop, . . }	Eugene F. Endicott, .	Chelsea.

COUNTY OF ESSEX.

1st,	Amesbury, . .	Samuel L. Porter, .	Amesbury.
2d,	{ Merrimac, . . } { Newburyport, W'd 6, . } { Salisbury, . . } { West Newbury, . }	Samuel F. Coffin, .	West Newbury.
3d,	Haverhill, Wards 4, 6,	Frederick H. Tilton, .	Haverhill.
4th,	Haverhill, W'ds 1, 2, 3,	William H. Trudel, .	Haverhill.
5th,	Haverhill, Ward 5, .	Arthur L. Nason, .	Haverhill.
6th,	{ Lawrence, Wards 1, 2, } { Methuen, . . . }	Edward A. Bower, . Emil J. Muehlig, .	Methuen. Lawrence.
7th,	{ Lawrence, Wards 3, 4, } { 5, 6, . . . }	Edward C. Callahan, . William J. Graham, . William A. Kelleher, .	Lawrence. Lawrence. Lawrence.
8th,	{ Andover, . . . } { Middleton, . . . } { North Andover, . }	John N. Cole, . .	Andover.
9th,	{ Boxford, . . . } { Georgetown, . . } { Groveland, . . . } { Haverhill, Ward 7, . }	Harry P. Morse, . .	Haverhill.
10th,	{ Danvers, . . . } { Peabody, . . . } { Topsfield, . . . }	Nathan H. Poor, . Melvin B. Putnam, .	Danvers. Danvers.
11th,	{ Lynn, Ward 3, . . } { Swampscott, . . }	George H. Jackson, . George H. Newhall, .	Lynn. Lynn.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
12th,	{ Lynn, Wards 1, 5, 7, . } Lynnfield, . . . }	Arthur W. Barker, . Michael F. Phelan, .	Lynn. Lynn.
13th,	{ Lynn, Wards 2, 4, . } Nahant, . . . }	Charles Cabot Johnson, Matthew McCann, .	Nahant. Lynn.
14th,	{ Lynn, Ward 6, . . } Saugus, . . . }	Frank P. Bennett, Jr., . Philip A. Kiely, . .	Saugus. Lynn.
15th,	Marblehead, . . .	Frank W. Goodwin, .	Marblehead.
16th,	Salem, Wards 1, 2, .	Thomas L. Davis, .	Salem.
17th,	Salem, Wards 3, 5, .	Stephen W. Phillips, .	Salem.
18th,	Salem, Wards 4, 6, .	G. Arthur Bodwell, .	Salem.
19th,	{ Beverly, } Essex, } Gloucester, Ward 8, . Hamilton, } Manchester, } Wenham, }	William R. Brooks, . Albert Vittum, . .	Beverly. Beverly.
20th,	{ Gloucester, Wards 1, } 3, 4, 5, 6, . . . }	John A. Stoddart, . Clifford B. Terry, .	Gloucester. Gloucester.
21st,	{ Gloucester, W'ds 2, 7, } Rockport, . . . }	John Tarr,* . . .	Rockport.
22d,	{ Ipswich, } Newbury, } Newburyport, Wards 1, 2, 3, 4, 5, . . } Rowley, }	Clarence J. Fogg, . John W. Goodhue, .	Newburyport. Ipswich.

COUNTY OF MIDDLESEX.

1st,	Cambridge, W'ds 8, 9,	W. Rodman Peabody, .	Cambridge.
2d,	{ Cambridge, Wards 3, } 4, 5, }	J. Edward Barry, . Jeremiah F. Downey, .	Cambridge. Cambridge.
3d,	Cambridge, W'ds 1, 2,	James T. Barrett, .	Cambridge.

* Resigned June 20.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Cambridge, W'ds 6, 7, {	Fred L. Beunke, . . Julius Meyers, . .	Cambridge. Cambridge.
5th,	{ Cambridge, Wards 10, } 11, . . . }	George W. Long, . .	Cambridge.
6th,	Somerville, Ward 1, .	John Diggins, . .	Somerville.
7th,	{ Somerville, Wards 2, } 3, 6, 7, . . . }	Charles V. Blanchard, . Robert Luce, . . Arthur P. Vinal, . .	Somerville. Somerville. Somerville.
8th,	Somerville, W'ds 4, 5,	John J. Higgins, . .	Somerville.
9th,	Medford, W'ds 1,2,4,5,	Frank L. White, . .	Medford.
10th,	Everett, . . . {	Wilmot R. Evans, Jr., . William E. Weeks, . .	Everett. Everett.
11th,	Malden, . . . {	Frank A. Bayrd, . . Charles L. Davenport, . Charles E. Dennett, . .	Malden. Malden. Malden.
12th,	{ Medford, Wards 3, 6, } Winchester, . . . }	Barker B. Howard, . .	Medford.
13th,	{ Arlington, . . . } Lexington, . . . }	Arthur J. Wellington, .	Arlington.
14th,	{ Belmont, . . . } Watertown, . . . }	Henry W. Seward, . .	Watertown.
15th,	Waltham, . . . {	Patrick J. Duane, . . Edward A. Walker, . .	Waltham. Waltham.
16th,	Newton, . . . {	John F. Lothrop, . . James A. Lowell, . .	Newton. Newton.
17th,	{ Bedford, . . . } Concord, . . . Lincoln, . . . Weston, . . . }	Harvey Wheeler, . .	Concord.
18th,	Natick, . . .	Edward L. McManus, .	Natick.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Ashland, . . . Holliston, . . . Hopkinton, . . . Sherborn, . . . }	Watson P. Gage, .	Holliston.
20th,	Framingham, . .	Harry N. Winch, .	Framingham.
21st,	{ Marlborough, . . . Sudbury, . . . Wayland, . . . }	William M. Brigham, . John J. Mitchell, .	Marlborough. Marlborough.
22d,	{ Boxborough, . . . Hudson, . . . Maynard, . . . Stow, . . . }	Patrick J. Sullivan, .	Maynard.
23d,	{ Acton, . . . Ayer, . . . Littleton, . . . Shirley, . . . Westford, . . . }	Delette H. Hall, .	Acton.
24th,	{ Ashby, . . . Groton, . . . Pepperell, . . . Townsend, . . . }	Frank A. Torrey, .	Groton.
25th,	{ Chelmsford, . . . Dunstable, . . . Lowell, Wards 4, 7, 8, Tyngsborough, . . }	Albert F. Grant, . William H. I. Hayes, . John J. McManmon, .	Lowell. Lowell. Lowell.
26th,	{ Lowell, Wards 1, 2, 3, 6, . . . }	James W. Barry, . Joseph H. Hibbard, . Charles J. Wier, .	Lowell. Lowell. Lowell.
27th,	{ Billerica, . . . Burlington, . . . Carlisle, . . . Dracut, . . . Lowell, Wards 5, 9, . North Reading, . . Tewksbury, . . . Wilmington, . . . }	Martin F. Conley, . Timothy S. Murphy, .	Lowell. Lowell.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
28th,	{ Reading, . . } Woburn, . . }	Herbert S. Riley, . George A. Shackford, .	Woburn. Reading.
29th,	Wakefield, . .	Charles A. Dean, .	Wakefield.
30th,	Stoneham, . .	James A. Jones, .	Stoneham.
31st,	Melrose, . .	Andrew J. Burnett, .	Melrose.

COUNTY OF WORCESTER.

1st,	{ Athol, . . } Phillipston, . . } Royalston, . . }	James H. Hutchings, .	Phillipston.
2d,	{ Ashburnham, . . } Gardner, . . } Templeton, . . } Winchendon, . . }	Alec E. Knowlton, . Charles D. Young, .	Gardner. Winchendon.
3d,	{ Barre, . . } Dana, . . } Hardwick, . . } Hubbardston, . . } Petersham, . . } Westminster, . . }	Frank D. Stevens, .	Dana.
4th,	{ Holden, . . } New Braintree, . . } North Brookfield, . . } Oakham, . . } Princeton, . . } Rutland, . . }	Samuel A. Clark, .	North Brookfield.
5th,	{ Brookfield, . . } Sturbridge, . . } Warren, . . } West Brookfield, . . }	Warren E. Tarbell, .	Brookfield.
6th,	{ Leicester, . . } Paxton, . . } Spencer, . . }	William A. Bell, .	Leicester.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
7th,	{ Charlton, . . . Dudley, . . . Oxford, . . . Southbridge, . . . Webster, . . . }	Felix Gatineau, . . . William F. Haggerty, . . .	Southbridge. Webster.
8th,	{ Auburn, . . . Douglas, . . . Millbury, . . . Sutton, . . . }	George L. Jacques, . . .	Millbury.
9th,	{ Blackstone, . . . Grafton, . . . Northbridge, . . . Shrewsbury, . . . Uxbridge, . . . }	C. Edward Blanchard, . . . J. Frank Donahue, . . .	Uxbridge. Grafton.
10th,	{ Hopedale, . . . Mendon, . . . Milford, . . . Upton, . . . Westborough, . . . }	George F. Birch, . . . Francis T. Nelson, . . .	Milford. Upton.
11th,	{ Berlin, . . . Boylston, . . . Clinton, . . . Northborough, . . . Southborough, . . . Sterling, . . . West Boylston, . . . }	Warren E. Gammell, . . . Charles Mayberry, . . .	West Boylston. Clinton.
12th,	{ Bolton, . . . Fitchburg, Ward 6, . . . Harvard, . . . Lancaster, . . . Lunenburg, . . . }	John Wooldredge, . . .	Lunenburg.
13th,	{ Fitchburg, Wards 1,2, } 3, 4, 5, . . . }	M. Fred O'Connell, . . . Henry O. Sawyer, . . .	Fitchburg. Fitchburg.
14th,	Leominster, . . .	Clesson Kenney, . . .	Leominster.
15th,	Worcester, Ward 1, . . .	Daniel E. Denny, . . .	Worcester.
16th,	Worcester, Ward 2, . . .	Alonzo F. Hoyle, . . .	Worcester.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
17th,	Worcester, Ward 3, .	Edward H. O'Brien, .	Worcester.
18th,	Worcester, Ward 4, .	James H. Mellen, .	Worcester.
19th,	Worcester, Ward 5, .	Hugh H. O'Rourke, .	Worcester.
20th,	Worcester, Ward 6, .	Gilbert J. Rugg, .	Worcester.
21st,	Worcester, Ward 7, .	John H. Pickford, .	Worcester.
22d,	Worcester, Ward 8, .	Elmer C. Potter, .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	Goshen, . . .	William A. Bailey, . Moses Bassett, .	Northampton. Northampton.
	Hadley, . . .		
	Hatfield, . . .		
	Northampton, . . .		
	Westhampton, . . .		
	Williamsburg, . . .		
2d,	Chesterfield, . . .	Winslow H. Edwards, .	Easthampton.
	Cummington, . . .		
	Easthampton, . . .		
	Huntington, . . .		
	Middlefield, . . .		
	Plainfield, . . .		
	Southampton, . . .		
3d,	Worthington, . . .		
	Amherst, . . .	Alvin L. Wright, .	South Hadley.
	Granby, . . .		
	Pelham, . . .		
	South Hadley, . . .		
4th,	Belchertown, . . .	Josiah W. Flint, .	Enfield.
	Enfield, . . .		
	Greenwich, . . .		
	Prescott, . . .		
	Ware, . . .		

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . } { Holland, . . . } { Monson, . . . } { Palmer, . . . } { Wales, . . . }	Arthur D. Norcross, .	Monson.
2d,	{ Agawam, . . . } { East Longmeadow, . } { Granville, . . . } { Hampden, . . . } { Longmeadow, . . . } { Ludlow, . . . } { Southwick, . . . } { Tolland, . . . } { Wilbraham, . . . }	William H. Granger, .	Agawam.
3d,	{ Springfield, Wards 1, } { 2, 8, . . . }	Edwin F. Leonard, . Frederick G. Wooden, .	Springfield. Springfield.
4th,	{ Springfield, Wards 3, } { 4, 5, . . . }	Theodore F. Dwight, . Luke S. Stowe, . . .	Springfield. Springfield.
5th,	Springfield, W'ds 6, 7,	Fred A. Bearse, . . .	Springfield.
6th,	{ Chicopee, Wards 1, 2, } { 3, 4, 5, 6, . . . }	Michael B. Houlihan, .	Chicopee.
7th,	{ Chicopee, Ward 7, . } { Holyoke, Wards 1, 2, } { 3, 4, 5, . . . }	Joseph D. Goddu, . Andrew F. Healy, . .	Holyoke. Holyoke.
8th,	Holyoke, Wards 6, 7,	Charles A. Andrews, .	Holyoke.
9th,	{ Blandford, . . . } { Chester, . . . } { Montgomery, . . . } { Russell, . . . } { West Springfield, . } { Westfield, . . . }	Stephen H. Bodurtha, . Nelson Sherburne, . .	Blandford. West Springfield.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . Buckland, . . . Charlemont, . . . Colrain, . . . Conway, . . . Hawley, . . . Heath, . . . Monroe, . . . Rowe, . . . Shelburne, . . . }	Charles E. Ward, .	Buckland.
2d,	{ Bernardston, . . . Gill, . . . Greenfield, . . . Leyden, . . . }	Lyman W. Griswold, .	Greenfield.
3d,	{ Deerfield, . . . Leverett, . . . Montague, . . . Sunderland, . . . Wendell, . . . Whately, . . . }	Lyman A. Crafts, .	Whately.
4th,	{ Erving, . . . New Salem, . . . Northfield, . . . Orange, . . . Shutesbury, . . . Warwick, . . . }	Henry S. Ames, . .	Orange.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . North Adams, . . . }	S. John Lamoreux, . William H. Woodhead,	North Adams. North Adams.
2d,	{ Dalton, . . . Hancock, . . . Lanesborough, . . . New Ashford, . . . Williamstown, . . . }	John B. Locke, . .	Williamstown.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Adams, . . . Cheshire, . . . Florida, . . . Savoy, . . . Windsor, . . . }	Arthur H. Streeter, .	Adams.
4th,	Pittsfield, . . . {	Chester E. Gleason, . William Turtle, . . .	Pittsfield. Pittsfield.
5th,	{ Becket, . . . Hinsdale, . . . Lenox, . . . Peru, . . . Richmond, . . . Washington, . . . West Stockbridge, . . }	Frank McNerney, .	Becket.
6th,	{ Lee, . . . New Marlborough, . . Otis, . . . Sandisfield, . . . Stockbridge, . . . Tyringham, . . . }	Bart Bossidy, . . .	Lee.
7th,	{ Alford, . . . Egremont, . . . Great Barrington, . . Monterey, . . . Mount Washington, . . Sheffield, . . . }	Noble B. Turner, .	Great Barrington.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . Norwood, . . . Westwood, . . . }	Joseph H. Soliday, .	Dedham.
2d,	Brookline, . . .	Joseph Walker, . . .	Brookline.
3d,	Hyde Park, . . .	Samuel A. Tuttle, . .	Hyde Park.
4th,	{ Canton, . . . Milton, . . . }	Frederick P. Hall, .	Milton.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Quincy, . . . {	Eugene C. Hultman, . Edward J. Sandberg, .	Quincy. Quincy.
6th,	{ Braintree, . . . Weymouth, . . . }	George L. Barnes, . Aubrey Hilliard, .	Weymouth. Braintree.
7th,	{ Avon, . . . Holbrook, . . . Randolph, . . . }	James M. Lynch, .	Avon.
8th,	{ Sharon, . . . Stoughton, . . . Walpole, . . . }	William O. Faxon, .	Stoughton.
9th,	{ Dover, . . . Medfield, . . . Millis, . . . Needham, . . . Wellesley, . . . }	William H. Carter, .	Needham.
10th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Medway, . . . Norfolk, . . . Plainville, . . . Wrentham, . . . }	Addison E. Bullard, . Bradley M. Rockwood, .	Bellingham. Franklin.

COUNTY OF PLYMOUTH.

1st,	{ Kingston, . . . Plymouth, . . . }	Henry O. Whiting, .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	Joseph Sherman, .	Marshfield.
3d,	{ Cohasset, . . . Hingham, . . . Hull, . . . }	Harry E. Mapes, .	Cohasset.
4th,	{ Hanover, . . . Hanson, . . . Rockland, . . . }	Amos A. Phelps, .	Rockland.

COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Abington, . . . } Whitman, . . . }	E. Alden Dyer, . . .	Whitman.
6th,	{ Carver, . . . } Lakeville, . . . } Marion, . . . } Mattapoisett, . . . } Rochester, . . . } Wareham, . . . }	Robert T. Delano, . . .	Wareham.
7th,	{ Halifax, . . . } Middleborough, . . . } Plympton, . . . }	Jabez P. Thompson, . . .	Halifax.
8th,	{ Bridgewater, . . . } East Bridgewater, . . . } West Bridgewater, . . . }	Clarence A. Chandler, . . .	East Bridgewater.
9th,	Brockton, Wards 3, 4,	Frank E. Packard, . . .	Brockton.
10th,	{ Brockton, Wards 1, 2, } 5, . . . }	James Sidney Allen, . . . Portus B. Hancock, . . .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7,	Ezra W. Clark, . . .	Brockton.

COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . } North Attleborough, . . . } Norton, . . . } Rehoboth, . . . } Seekonk, . . . }	Albert Totten, . . . Thomas W. Williams, . . .	No. Attleborough. Attleborough.
2d,	{ Easton, . . . } Mansfield, . . . } Raynham, . . . }	William H. Ames, . . .	Easton.
3d,	Taunton, W'ds 5, 7, 8,	Simon Swig, . . .	Taunton.
4th,	Taunton, W'ds 2, 3, 4,	William M. Dean, . . .	Taunton.
5th,	{ Berkley, . . . } Dighton, . . . } Taunton, Wards 1, 6, . . . }	Charles H. Macomber, . . .	Berkley.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Acushnet, . . . Dartmouth, . . . Fairhaven, . . . Freetown, . . . }	Levi M. Snow, . . .	Fairhaven.
7th,	{ New Bedford, Wards 1, 2, 3, . . . }	John B. Lowney, . . Samuel Ross, . . .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards 4, 5, 6, . . . }	Andrew P. Doyle, . . Nathaniel P. Sowle, . .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, Westport, . . . }	William H. Cook, . . Thomas Dowd, . . .	Fall River. Fall River.
10th,	{ Fall River, Wards 3, 4, 5, . . . }	Francis J. Fennelly . . Joseph A. Parks, . .	Fall River. Fall River.
11th,	{ Fall River, Wards 6, 7, 8, 9, . . . Somerset, . . . Swansea, . . . }	David P. Keefe, . . . Pierre F. Peloquin, . . Isaac E. Willetts, . .	Fall River. Fall River. Fall River.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . Bourne, . . . Falmouth, . . . Mashpee, . . . Sandwich, . . . }	Joseph Walsh, . . .	Falmouth.
2d,	{ Chatham, . . . Dennis, . . . Harwich, . . . Yarmouth, . . . }	Jonathan P. Edwards, .	Dennis.
3d,	{ Brewster, . . . Eastham, . . . Orleans, . . . Provincetown, . . Truro, . . . Wellfleet, . . . }	E. Olin Snow, . . .	Provincetown.

COUNTY OF DUKES COUNTY.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chilmark, . . . Cottage City, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . West Tisbury, . . }	Ulysses E. Mayhew, .	West Tisbury.

COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	William C. Dunham, .	Nantucket.
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JAMES W. KIMBALL, Clerk.
DANIEL W. WALDRON, Chaplain.
DAVID T. REMINGTON, Sergeant-at-Arms.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

MARCUS P. KNOWLTON, *of Springfield.*

ASSOCIATE JUSTICES.

JAMES M. MORTON, *of Fall River.*
 JOHN LATHROP, *of Boston.*
 JOHN WILKES HAMMOND, *of Cambridge.*
 WILLIAM CALEB LORING, *of Boston.*
 HENRY K. BRALEY, *of Fall River.*
 HENRY NEWTON SHELDON, *of Boston.*

SUPERIOR COURT.

CHIEF JUSTICE.

JOHN ADAMS AIKEN, *of Greenfield.*

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JOHN F. BROWN,	<i>of Milton.</i>

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LEONARD A. JONES,	<i>of Boston.</i>
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ASSOCIATE JUDGE.

CHARLES T. DAVIS,	<i>of Beverly.</i>
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RECORDER.

CLARENCE C. SMITH,	<i>of Everett.</i>
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ROBERT GRANT, Boston,	SUFFOLK.
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CLARENDON A. FREEMAN, Chatham,	BARNSTABLE.
BERIAH T. HILLMAN, Edgartown,	DUKES.
HENRY RIDDELL, Nantucket,	NANTUCKET.

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W. SCOTT PETERS, Haverhill,	EASTERN.
JAMES M. SWIFT, Fall River,	SOUTHERN.
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JASON L. DEXTER, Edgartown,	DUKES.
JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

* Appointed January 17, in place of Asa P. French, resigned.

† Appointed January 17, in place of Dana Malone, elected Attorney-General.

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CLARENCE H. COOPER, Boston, Clerk of the Supreme Judicial Court for the Commonwealth.

JOHN NOBLE, Boston, Supreme Judicial Court, . . . SUFFOLK.

FRANCIS A. CAMPBELL, Boston, Sup. Court, Civil Business, } SUFFOLK.

JOHN P. MANNING, Boston, Sup. Court, Criminal Business, }

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THEODORE C. HURD, Winchester, MIDDLESEX.

THEODORE S. JOHNSON, Worcester, WORCESTER.

HAYNES H. CHILSON, Northampton, HAMPSHIRE.

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ALFRED CROCKER, Barnstable, BARNSTABLE.

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[Congressional Districts established by Chap. 511, Acts of 1901.]

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 WINTHROP MURRAY CRANE, *of Dalton.*

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 II. — FREDERICK H. GILLET, *of Springfield.*
 III. — ROCKWOOD HOAR, *of Worcester.*
 IV. — CHARLES Q. TIRRELL, *of Natick.*
 V. — BUTLER AMES, *of Lowell.*
 VI. — AUGUSTUS P. GARDNER, *of Hamilton.*
 VII. — ERNEST W. ROBERTS, *of Chelsea.*
 VIII. — SAMUEL W. McCALL, *of Winchester.*
 IX. — JOHN A. KELIHER, *of Boston.*
 X. — WILLIAM S. McNARY, *of Boston.*
 XI. — JOHN A. SULLIVAN, *of Boston.*
 XII. — JOHN W. WEEKS, *of Newton.*
 XIII. — WILLIAM S. GREENE, *of Fall River.*
 XIV. — WILLIAM C. LOVERING, *of Taunton.*

APPENDIX.

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9 of the Revised Laws, which directs the governor to appoint a skilled person to prepare "a table of changes in the general laws."

TABLES

SHOWING

WHAT GENERAL LAWS OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION

I

CHANGES IN THE "REVISED LAWS"

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SECT. 40 amended. St. 1905, 211 § 10.

SECT. 46 amended. St. 1903, 283 § 1. (See 1905, Res. 2.)

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- SECT. 9. Office of chief clerk established. St. 1903, 357 §§ 1, 2.
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SECT. 19 amended. St. 1903, 430 § 1; 1904, 294 § 3.

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SECT. 46 revised. St. 1903, 474 § 1. (See 1903, 279 § 19.)

SECT. 47 amended. St. 1903, 474 § 2.

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SECT. 77. See St. 1906, 444 § 7.

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SECT. 147. See St. 1906, 444 § 9.

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SECT. 20. See St. 1904, 277 § 2.

SECT. 39. Non-interest-bearing notes may be issued and sold at a discount. St. 1904, 153.

Chapter 22.—Of Registers of Deeds.

- SECT. 7 amended. St. 1902, 544 § 5.
SECT. 12 amended. St. 1906, 67 § 1.
SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.
SECT. 32 amended. Salaries classified and established. St. 1904, 452 §§ 1, 3.
Provision for future readjustments of salaries. St. 1904, 452 § 2.

Chapter 23.—Of Sheriffs.

- SECT. 2. See St. 1906, 147.
SECT. 18. Salaries changed: Franklin, St. 1902, 359. Hampden, 1906, 233. Plymouth, 1902, 436.

Chapter 24.—Of Medical Examiners.

- SECT. 11 amended. St. 1904, 119.

Chapter 25.—Of Towns and Town Officers.

Town may provide for choice of a moderator for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3. May provide industrial schools. St. 1906, 505 § 3. Town may appropriate money for observance of "home week." St. 1902, 109. And, not exceeding \$500, for band concerts. St. 1904, 152. For propagation and cultivation of shellfish. St. 1904, 282 § 1. For removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. For monuments to soldiers and sailors of the revolution. St. 1903, 116. Towns may regulate and license junk collectors. St. 1902, 187. May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2. May contribute toward expense of state highways. St. 1904, 125. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14; 1905, 366 § 1; 1906, 412 § 9. (See 1905, 311; 1906, 353, 412.) May establish hours of labor of fire department. St. 1904, 315. May provide for care of neglected burial grounds. St. 1902, 389. May restrict catching of pickerel. St. 1905, 417. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499; 1906, 218. (See 1906, 463, III § 59.) Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268. Bounty to be paid for killing a wild-cat, Canada lynx or loup-cervier. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

Act to authorize cities and towns to establish municipal building insurance funds. St. 1905, 191.

- SECT. 14 amended. St. 1902, 544 § 6.

- SECT. 15. Par. 4, see St. 1903, 400. Par. 15, see St. 1903, 483.
- SECT. 16. See St. 1902, 57; 1905, 381; 1906, 268.
- SECT. 23. Par. 4, see St. 1902, 205. Par. 5, see St. 1904, 125. Par. 7, see St. 1903, 383 § 3.
- SECT. 24. See St. 1903, 475 § 14; 1905, 366 § 1.
- SECT. 26 revised. By-laws to be approved by attorney-general and published three times. St. 1904, 344 § 1. (See 1904, 344 § 2; 1905, 144.)
- SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.
- SECT. 35. Extended to purchase of water. St. 1902, 361.
- SECT. 37. See St. 1905, 266.
- SECT. 45 *et seq.* See St. 1904, 317, 443.
- SECT. 49. See St. 1905, 266.
- SECT. 54. See St. 1902, 449.
- SECT. 57. Provision for protection of persons furnishing labor or materials on public works. St. 1904, 349.
- SECT. 59 *et seq.* See St. 1904, 364; 1905, 417 § 2; 1906, 277.
- SECT. 72 *et seq.* See St. 1904, 458 § 3.
- SECT. 74 amended. St. 1904, 277 § 1. Police officer or treasurer may prosecute for fines, etc. St. 1904, 277 § 2.
- SECT. 79. Certain trust accounts to be audited. St. 1904, 322. (See 1906, 296 § 1.)
- SECT. 83. See St. 1902, 57.
- SECT. 94. Policemen and firemen may be pensioned. St. 1904, 327. Provision for license to carry loaded pistol. St. 1906, 172 § 1.

Chapter 26. — Of Cities.

An act to authorize cities and towns to establish municipal building insurance funds. St. 1905, 191. To establish industrial schools. St. 1906, 505, § 3. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381; 1906, 268.

City may appropriate money for observance of "home week." St. 1902, 109. And for memorials of persons who served in Spanish-American war. St. 1902, 286. And in the war of the revolution. St. 1903, 116. For care of neglected burial grounds. St. 1902, 389. For propagation and cultivation of shellfish. St. 1904, 282 § 1. May contribute toward expense of state highways. St. 1904, 125. May regulate and license junk collectors. St. 1902, 187. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14; 1905, 366 § 1; 1906, 412 § 9. (See 1905, 311; 1906, 353, 412.) May establish hours of labor of fire department. St. 1904, 315. Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. (See 1906, 463, III § 59). Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459. May grant permits in certain cases for transportation of intoxicating liquors. St. 1906, 421 § 2.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

Temporary use of armories for certain purposes is authorized. St. 1905, 298.

SECT. 2. See St. 1904, 349; 1906, 277, 296 § 1.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECTS. 7, 8. See act relative to term of office of municipal auditors. St. 1905, 373. And of police officers. St. 1906, 210.

SECT. 15. See St. 1906, 277 § 2.

SECT. 21. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437. (See 1903, 312; 1906, 210.)

SECT. 28. See St. 1903, 457; 1904, 371.

SECT. 40. See St. 1906, 291 § 10.

Chapter 27. — Of Municipal Indebtedness.

Act to authorize cities and towns to establish municipal building insurance funds. St. 1905, 191.

SECT. 3. See St. 1902, 325; 1905, 191 § 2.

SECTS. 6, 10. Notes may be non-interest bearing and sold at a discount. St. 1904, 153.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECTS. 13, 14, 15. See St. 1902, 325.

SECT. 15. See St. 1905, 191 § 3.

SECT. 19. See St. 1903, 226.

Chapter 28. — Of Public Parks, Playgrounds and the Public Domain.

The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1904, 317; 1905, 266.)

Office of state forester established and duties prescribed. St. 1904, 409.

As to metropolitan park commission, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1900, 413, 475; 1901, 83, 146, 380; 1902, 77, 166, 172; 1903, 158, 290, 429; 1904, 170, 236, 237, 431; 1905, 366, 456, 457; 1906, 336, 353 § 4, 368, 375.

SECT. 1 amended. St. 1902, 544 § 7.

SECTS. 2, 3. See St. 1903, 158, 331 § 1; 1905, 205.

SECT. 8. See St. 1905, 266.

SECT. 25. See St. 1902, 57, 495; 1904, 409; 1905, 381; 1906, 268.

Chapter 29. — Of the Return and Registry of Births, Marriages and Deaths.

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 6. See St. 1905, 330 § 1.

SECT. 18 amended. St. 1903, 305 § 1; 1906, 415 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 30. — Of Workhouses and Almshouses.

SECT. 1. See St. 1903, 400; 1905, 162. Offenders not to be confined or associate with paupers. St. 1904, 274; 1905, 348 § 1. (See 1905, 344.)

Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142; 1903, 365. (See 1904, 370, 433; 1905, 247, 280, 461.)

SECT. 13. See St. 1905, 266.

SECT. 26 *et seq.* See St. 1904, 194, 315, 327.

SECT. 37. Extended to hospital ambulances. St. 1904, 161. (See 1889, 57.) Firemen's parades authorized in certain cases. St. 1906, 139.

SECT. 49 amended. St. 1906, 63 § 1.

SECTS. 71, 72. Amount increased. St. 1902, 108; 1906, 171.

SECT. 73 revised. St. 1903, 253 § 1.

SECT. 81 amended. St. 1906, 476 § 1.

Chapter 33. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECT. 26. See St. 1905, 266.

Chapter 34. — Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.

SECT. 1 repealed. St. 1906, 463, III § 158. (See 1902, 449; 1906, 218, 463, III § 59, *et seq.*)

SECT. 10 amended. St. 1903, 255 § 1.

SECT. 11 revised. St. 1905, 410 § 1. (See 1905, 410 § 7; 1906, 422.)

SECT. 12 revised. St. 1905, 410 § 2.

SECT. 20 revised. St. 1905, 410 § 3.

SECT. 21 revised. St. 1905, 410 § 4; 1906, 411 § 1.

SECT. 27 revised. St. 1905, 410 § 5.

SECT. 28. See St. 1905, 266.

SECT. 29 revised. St. 1905, 410 § 6.

SECT. 32 (new) added. St. 1905, 410 § 7.

Chapter 35. — Of the Public Records.

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECT. 5. See St. 1903, 177.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17 limited. St. 1903, 177; 1905, 330 § 3.

SECT. 23 amended. St. 1903, 177 § 1.

Chapter 36.—Of Parishes and Religious Societies.

SECT. 27 amended. St. 1905, 167.

Chapter 38.—Of Libraries.

SECTS. 2-5. See St. 1904, 209.

SECT. 4. See St. 1903, 442; 1906, 428, 527.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

SECT. 15. Provision for annual expenditure. St. 1906, 183.

Chapter 39.—Of the Board of Education.

Act relative to the employment of school teachers through the Board of Education. St. 1906, 399.

Board may provide transportation for children in certain cases. St. 1903, 488. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299. And determine their qualifications. St. 1904, 215.

SECT. 2 amended. St. 1904, 234 § 1.

SECTS. 3, 4, 9, 12, 13, 14, 15, 16 repealed. St. 1904, 234 § 3. (See 1903, 456 § 4.)

SECT. 9. See St. 1906, 502 § 6.

SECT. 15. See St. 1906, 399 § 2.

SECTS. 19-21. See St. 1906, 385.

SECT. 20. See St. 1905, 211 § 1.

Chapter 40.—Of Teachers' Institutes and Associations.

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

SECT. 4 amended. St. 1904, 383 § 1; 1905, 260 § 1.

SECT. 5 repealed. St. 1905, 260 § 2.

Chapter 41.—Of the School Funds.

As to technical education fund, see St. 1904, 174.

SECTS. 4, 5 repealed and new provisions made for distribution of income of the school fund. St. 1903, 456; 1904, 107. (See 1904, 189.)

Chapter 42.—Of the Public Schools.

Act relative to the employment of school teachers through the Board of Education. St. 1906, 399.

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386; 1903, 170; 1904, 212, 376; 1905, 349, 392; 1906, 205, 231, 259, 318, 489 § 8.

Provision for schools for the blind. St. 1906, 385 §§ 4-6. For industrial schools. St. 1906, 505. For a state school for the feeble-minded. St. 1906, 508.

SECT. 3 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433; 1906, 200.

SECT. 10 repealed. St. 1906, 505 § 8.

SECT. 14. See St. 1904, 172.

SECT. 20. See St. 1905, 328.

SECTS. 25-39. School committees authorized to exhibit school work in certain cases. St. 1904, 172. No member of school committee shall be eligible to position of teacher, master or superintendent of public schools of the town or district. St. 1904, 173. Provision for appointment of school physicians. St. 1906, 502.

SECTS. 26, 34. See act relative to authority of school committee over organizations of school pupils. St. 1906, 251.

SECT. 28. See St. 1906, 399.

SECT. 30 repealed. St. 1903, 456 § 4. (See 1904, 107.)

SECT. 39. See St. 1904, 107 § 2.

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299. And determine qualifications of superintendents. St. 1904, 215.

Chapter 44.—Of School Attendance.

SECT. 1 amended. St. 1905, 320; 1906, 383. (See 1906, 413, 489.)

SECT. 4 amended. St. 1905, 375 § 1.

SECT. 4 *et seq.* See St. 1903, 483.

SECT. 6 amended. St. 1906, 371 § 1.

Chapter 45.—Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1.

Chapter 46.—Of Truants and Truant Schools.

Act to provide for the commitment of habitual truants, habitual absentees and habitual school offenders. St. 1906, 389. (See 1906, 489, 499 § 3.)

Act relative to delinquent children. St. 1906, 413, 489.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256. (See 1906, 148.)

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3; 1904, 220 §§ 1, 2, 3; 1906, 389.

SECT. 8 amended. St. 1904, 220 § 4.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3; 1906, 389, 413, 489, 499 § 5, 501.

SECT. 13. See St. 1904, 356; 1906, 499.

Chapter 47.—Of State Highways.

Massachusetts highway commission to have general supervision of telegraph and telephone companies. St. 1906, 433. Salaries increased. St. 1906, 433 § 1.

An act relative to shade trees on state highways. St. 1905, 279.

Provision for expenses. St. 1902, 246; 1903, 280; 1904, 244.

SECTS. 1, 2. Provisions for registering and licensing automobiles, etc. St. 1903, 473; 1905, 311, 366. And for rules and regulations concerning use and operation of same. St. 1906, 353, 412. (See 1902, 315; 1906, 433 § 1.)

SECT. 3. See St. 1906, 433 § 4.

SECT. 6 amended. St. 1904, 108 § 1. (See 1904, 117, 317, 443.)

SECTS. 9, 13. See St. 1905, 266.

SECT. 10. Towns and cities may contribute toward expense of construction. St. 1904, 125.

SECT. 11. See St. 1905, 279.

SECT. 16. See St. 1903, 280 § 2; 1904, 244 § 1.

SECT. 21. See St. 1905, 279; 1906, 463, III § 72.

Chapter 48.—Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.

An act relative to damages for the taking of property by right of eminent domain. St. 1904, 317. The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390.

SECTS. 1-5. See St. 1890, 320 § 19; 1906, 260.

SECTS. 13-16. See St. 1904, 317.

SECTS. 17-19, 26. See St. 1906, 463, II § 95.

SECTS. 20, 26, 27. See St. 1905, 266.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243. (See 1904, 125.)

SECT. 68 *et seq.* See St. 1904, 317.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521; 1906, 214, 258. (See 1898, 540 § 2; 1903, 331 § 2; 1905, 205 § 1.)

An act relative to Boston bridges. St. 1902, 224. (See 1904, 412.)

SECT. 90. See St. 1906, 463, II §§ 2, 7.

SECT. 97. See St. 1904, 117; 1906, 128.

SECT. 107 *et seq.* See St. 1904, 317.

Chapter 49.—Of Sewers, Drains and Sidewalks.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189; 1903, 161, 242; 1905, 457; 1906, 337, 338.

As to Boston, see St. 1891, 323; 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426; 1898, 257; 1899, 450; 1900, 126, 478; 1901, 199; 1902, 521, 526; 1903, 268.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

SECT. 2. See St. 1904, 317, 443; 1905, 266, 390.

SECT. 30. See St. 1903, 383 § 1.

Chapter 50.—Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

SECT. 1. See St. 1904, 443 § 23; 1906, 463, III §§ 67-69.

SECT. 3. See St. 1904, 317.

SECT. 11 revised. St. 1902, 503.

Chapter 51.—Of the Repair of Ways and Bridges.

SECT. 18. See St. 1905, 266.

Chapter 52.—Of Regulations and By-Laws relative to Ways and Bridges.

Advertising signs restricted in streets of Boston. St. 1895, 352; 1897, 413 § 6.

Provisions for regulating use and operation of automobiles and motor vehicles on highways. St. 1903, 473 §§ 3-11; 1905, 311, 366; 1906, 353, 412. (See 1902, 315.)

SECT. 1. See St. 1906, 324.

SECT. 5. See St. 1902, 205.

SECTS. 7, 8. Hospital ambulances shall have right of way in streets. St. 1904, 161.

Chapter 53.—Of the Boundaries of Highways and Other Public Places and Encroachments thereon.

SECT. 12. See St. 1902, 57; 1904, 409; 1905, 381; 1906, 268.

Chapter 56.—Of the Regulation of Trade and the Inspection and Sale of Food.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

An act relative to wood alcohol. St. 1905, 220.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners on fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

SECT. 48 amended. Penalty changed. St. 1903, 361.

SECTS. 53, 55. See St. 1906, 116 §§ 1, 2.

SECT. 59. See St. 1906, 116 § 3, 323.

Chapter 57.—Of the Inspection and Sale of Various Articles.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

SECT. 11 *et seq.* Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10; 1904, 332 § 1.

SECT. 20 superseded. St. 1903, 122 § 11.

SECT. 24 revised. St. 1903, 408 §§ 1-3; 1905, 209.

SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.

SECT. 83. A woman may be appointed a weigher of coal. St. 1902, 159. Or a non-resident. St. 1902, 453 § 1.

SECT. 84 *et seq.* License required for dealer in coal or coke. St. 1903, 484.

SECTS. 88, 89, 91 amended. St. 1902, 453 §§ 2, 3, 4.

Chapter 58.—Of the Inspection of Gas and Gas Meters.

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 228 § 1. (See 1906, 422.)

SECTS. 1, 2, 3, 4, 5, 6, 7 repealed. St. 1902, 228 § 8.

SECT. 14 amended. St. 1903, 464 § 1. (See 1902, 228 § 3.)

Chapter 60.—Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

Chapter 62.—Of Weights and Measures.

SECTS. 2, 3. See St. 1903, 408 § 1.

SECT. 3. Barrel of sweet potatoes 150 pounds. St. 1902, 115.

SECT. 8. Deputy's salary changed. St. 1902, 457.

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

SECT. 21. See St. 1903, 408 § 2.

SECT. 33 revised. St. 1906, 215.

SECT. 43. Act relative to sealing glass bottles or jars. St. 1906, 323.

Chapter 64.—Of Auctioneers.

SECT. 6 *et seq.* Auction sales of horses in Boston restricted. St. 1904, 336; 1905, 426. And of certain lame or diseased horses. St. 1906, 185 §§ 1, 3.

Chapter 65.—Of Itinerant Vendors, Hawkers and Pedlars.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 15 revised. St. 1906, 345. (See 1905, 377.)

SECT. 17 amended. St. 1902, 531; 1906, 151.

SECT. 19 amended. St. 1905, 204.

SECT. 21 revised. St. 1903, 432.

Chapter 66. — Of Shipping and Seamen, Harbors and Harbor Masters.

Lines and regulations in certain harbors: Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313; 1905, 327. New Bedford, 1901, 243; 1903, 363.

SECT. 19. As to Boston, see St. 1889, 147.

Chapter 67. — Of Pilots and Pilotage.

Fees established: Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

Chapter 68. — Of Agents, Consignees and Factors.

SECT. 6. See St. 1905, 324.

Chapter 70. — Of Common Carriers and Express Companies.

Act relative to trustee process against common carriers. St. 1905, 324.

Act to grant to the board of railroad commissioners supervisory powers over express companies. St. 1906, 266.

Chapter 72. — Of the Use of Labels, Trade-Marks and Names.

Provision as to labels on baking powders. St. 1902, 540. Drugs and patent foods. St. 1906, 386.

SECTS. 7, 8. Certain insignia, badges, etc., may be registered, and the unauthorized use thereof is prohibited. St. 1904, 335. (See 1902, 430; 1903, 275.)

SECTS. 19-22. An act to prohibit misuse of vessels used in sale of milk. St. 1906, 116.

Chapter 73. — Of Money and Negotiable Instruments.

SECT. 7 amended. St. 1905, 454 § 1.

SECT. 8 amended. St. 1905, 454 § 2.

Chapter 75. — Of the Preservation of the Public Health.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406, 488; 1897, 80, 81, 83, 88, 502; 1899, 342; 1900, 108; 1901, 168, 498; 1902, 101, 189, 391, 535; 1903, 161, 242, 356; 1904, 186, 230, 246, 273, 317, 426, 431; 1905, 457; 1906, 235, 337, 338, 369, 404, 406, 457, 530. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Provision for appointment of school physicians. St. 1906, 502.

Provision for suppressing insect pests. St. 1902, 57; 1905, 381; 1906, 268.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

Act to establish a board of registration in embalming. St. 1905, 473.

Provision for hospital for lepers. St. 1905, 474.

Act relative to wood alcohol. St. 1905, 220.

SECT. 3. Salary changed. St. 1906, 425.

SECT. 4 amended. St. 1903, 480. (See 1905, 344; 1906, 386 § 6.)

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541; 1906, 502 § 6.)

SECT. 6 amended. Amount increased. St. 1903, 467.

SECT. 8. See St. 1904, 395 § 1.

SECT. 10. See St. 1906, 502.

SECT. 16 amended. St. 1903, 367 § 1.

SECTS. 18, 19. Baking powders to be labelled. St. 1902, 540 § 1. Also certain patent or proprietary drugs and food. St. 1906, 386.

SECT. 24 amended. St. 1905, 236; 1906, 305.

SECTS. 25, 26. Innocent employees not to be punished for sales. St. 1903, 367 § 1. (See 1906, 386 § 6.)

SECT. 34 revised. St. 1902, 403.

SECTS. 35-42 revised. St. 1906, 365 § 1. (See 1902, 206; 1906, 225, 365 § 4.)

SECT. 46 revised. St. 1906, 365 § 2. (See 1902, 206 § 2.)

SECTS. 47, 52. See St. 1904, 395 § 1.

SECTS. 49, 50 amended. Certain diseases of the eyes added. St. 1905, 251.

SECT. 56 revised. St. 1906, 365 § 3.

SECT. 57 revised. St. 1902, 213. (See 1904, 395 § 2.)

SECT. 63. See St. 1905, 330.

SECT. 65 *et seq.* Spitting in certain public places and conveyances prohibited. St. 1906, 165.

SECT. 79. See St. 1903, 383.

SECT. 81. See St. 1905, 266.

SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.

SECTS. 103, 104 repealed. St. 1902, 312 § 1. Two new sections, 103, 104, added, relative to marking carcasses and inspection of domestic animals. St. 1903, 220 § 1.

SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 2.

SECT. 112 *et seq.* See St. 1902, 541; 1906, 158, § 1.

SECT. 118. See St. 1905, 266; 1906, 158 § 1.

SECT. 137 revised. St. 1902, 190 § 1.

SECT. 139 revised. St. 1902, 190 § 2; 544 § 10.

Chapter 76.—Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249; 1906, 503. For registration of embalmers. St. 1905, 473.

Salaries and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 9. See St. 1903, 249 § 9.

SECT. 14 amended. St. 1906, 120.

SECT. 16 *et seq.* See St. 1906, 281.

SECT. 17 amended. Board may reconsider its action in certain cases. St. 1902, 321.

SECT. 23 added to. St. 1902, 327.

SECTS. 24-28 limited. St. 1903, 219.

SECT. 28 amended. St. 1905, 289 § 1.

SECT. 29 amended. St. 1903, 219; 1905, 289 § 2.

Chapter 77.—Of the Promotion of Anatomical Science.

Act to establish a board of registration of embalmers. St. 1905, 473.

SECT. 4 amended. St. 1904, 204.

SECT. 5 (new section) added relative to autopsies. St. 1902, 417.

Chapter 78.—Of Cemeteries and Burials.

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

SECT. 19 revised. St. 1904, 422 § 1.

SECT. 20 amended. St. 1904, 422 § 2.

SECT. 44. See St. 1905, 473.

Chapter 79.—Of State and Military Aid and Soldiers' Relief.

This chapter is revised. St. 1902, 192; 1903, 420; 1904, 381. (See 1902, 216, 250, 251, 292.) Act to provide for payment of bounties to certain veterans of the civil war. St. 1904, 458. (See 186 Mass. 604.)

SECT. 3. See St. 1902, 251; 1903, 387; 1904, 381 § 3.

SECTS. 18, 20, 21. See St. 1902, 250; 1904, 381 §§ 17, 18.

SECT. 20 extended. St. 1902, 292; 1904, 381 § 17.

Chapter 81.—Of the Support of Paupers by Cities and Towns.

Massachusetts commission for the blind may provide temporary support in certain cases. St. 1906, 385 § 6.

SECT. 2. See St. 1905, 162.

SECT. 4 amended. St. 1905, 285.

SECT. 5 amended. St. 1905, 303 § 1.

SECT. 7 amended. St. 1905, 303 § 2.

SECT. 17. See act relative to care of indigent and neglected children. St. 1904, 356.

SECT. 17 *et seq.* See St. 1905, 354.

SECT. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 22. Cities and towns shall require tramps and vagrants lodged to perform labor. St. 1905, 344. (See 1904, 274; 1905, 348.)

SECT. 25. See St. 1902, 206, 213; 1905, 330.

SECTS. 26-28. See St. 1905, 464.

SECT. 41 revised. St. 1905, 115.

Chapter 82.—Of the Maintenance of Bastard Children.

SECT. 1 amended. St. 1904, 159.

SECT. 12 amended. St. 1905, 345.

Chapter 83.—Of the Protection of Infants and the Care of Pauper Children.

Act to establish the Massachusetts commission for the blind. St. 1906, 385.

Act to establish a school for the feeble-minded. St. 1906, 508.

The Massachusetts school and home for crippled and deformed children is established. St. 1904, 446; 1905, 128.

Provision for care of indigent and neglected children. St. 1904, 856; 1906, 501.

SECT. 10 amended. St. 1905, 269.

SECT. 20 *et seq.* Protection of minors in religious belief of their parents. St. 1905, 464.

SECT. 25 *et seq.* See St. 1906, 413 §§ 5, 8, 14.

SECT. 29. See St. 1903, 333.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7. (See 1904, 356.)

SECT. 38 revised. St. 1903, 334 §§ 6, 7. (See 1904, 356.)

Chapter 84.—Of the State Board of Charity.

Inmates of institutions under supervision of state board of charity may correspond with the board. St. 1906, 341.

Act to establish the Massachusetts commission for the blind. St. 1906, 385.

Provision for hospital for lepers. St. 1905, 474.

SECT. 2. Board may advise overseers of the poor as to building almshouse. St. 1905, 162. (See 1904, 446 § 12; 1905, 128.)

SECT. 3 *et seq.* See St. 1904, 356 § 3; 1906, 413 §§ 5, 8, 14.

SECT. 7 amended. St. 1905, 211 § 11.

SECT. 8 *et seq.* The board may provide for care of persons infected with diseases dangerous to the public health. St. 1904, 395.

SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)

SECT. 14 amended. St. 1903, 402 § 1.

Chapter 85.—Of the State Hospital and the State Farm.

Inmates may correspond with board of charity. St. 1906, 341.

Provision for hospital for lepers. St. 1905, 474.

SECT. 10 amended. St. 1903, 233.

SECT. 33 amended. St. 1903, 188.

SECT. 39 amended. St. 1904, 216.

SECT. 42. See St. 1906, 324.

Chapter 86. — Of the Lyman School for Boys, the Industrial School for Girls, and the Reformation of Juvenile Offenders.

Inmates may correspond with board of charity. St. 1906, 341.

Act to provide for the commitment of habitual truants, absentees and school offenders. St. 1906, 389.

Act relative to delinquent children. St. 1906, 413.

Act to establish the Boston juvenile court. St. 1906, 489. (See 1906, 499.)

SECT. 1. See St. 1906, 407.

Reform school for Boston. St. 1901, 359.

SECT. 10 *et seq.* See St. 1905, 464; 1906, 389, 413.

SECT. 13. State commission on industrial education established. St. 1906, 505.

SECT. 15. See St. 1906, 489.

SECT. 18. See St. 1906, 413 §§ 3, 5.

SECT. 20 amended. St. 1902, 314.

SECT. 21 *et seq.* See St. 1906, 413.

SECT. 31 amended. St. 1904, 459 § 6.

SECT. 36 amended. St. 1904, 363 § 2. (See 1905, 464.)

SECT. 49. See St. 1906, 413 §§ 5, 8, 14.

Chapter 87. — Of the State Board of Insanity and Institutions for the Insane.

Massachusetts school and home for crippled and deformed children. St. 1904, 446; 1905, 128.

State board may agree with a city or town for care of chronic and quiet insane persons. St. 1903, 400 § 1.

SECT. 1 *et seq.* See St. 1905, 211 § 1.

SECT. 4 amended. St. 1906, 184.

SECT. 6. See St. 1903, 400; 1906, 508 § 8.

SECT. 6 *et seq.* Certain hospitals must keep records. St. 1905, 380.

SECT. 16. Northampton state hospital. St. 1906, 313 § 1.

SECT. 22. Number of trustees increased. St. 1902, 542. (See 1905, 400.)

SECT. 23. See St. 1904, 446 § 3; 1905, 175 § 3.

SECT. 25. See St. 1904, 347.

SECT. 33 amended. St. 1904, 459 § 1; 1905, 447.

SECT. 35 amended. St. 1906, 418 § 1.

SECT. 39 revised. St. 1905, 436 § 1.

SECT. 47 amended. St. 1904, 459 § 2.

SECT. 48 amended. St. 1904, 459 § 3.

SECT. 49 amended. St. 1905, 475; 1906, 471. (See 1904, 278.)

SECTS. 49, 50. See St. 1903, 321.

SECT. 53 revised. St. 1905, 432 § 1.

SECT. 54 revised. St. 1905, 432 § 2.

SECT. 59. Name changed. St. 1905, 400.

SECT. 59. Provision for voluntary patients. St. 1906, 316.

SECT. 66 amended. St. 1906, 352.

- SECT. 78 amended. St. 1904, 459 § 4.
SECTS. 76, 77. Provision for recovery of expenses. St. 1905, 354.
SECT. 79. See St. 1906, 508 § 17.
SECT. 81. Repeal and substitute. St. 1905, 282.
SECT. 87. See St. 1903, 400; 1904, 278.
SECT. 95 revised. St. 1905, 435.
SECT. 102 revised. St. 1905, 458 § 1. (See 1903, 400.)
SECT. 103 revised. St. 1905, 458 § 2.
SECT. 104 revised. St. 1905, 458 § 3.
SECT. 105 revised. St. 1905, 458 § 4.
SECT. 109. See St. 1903, 400.
SECTS. 113-123. Act to establish a school for the feeble-minded. St. 1906, 508.
SECT. 115 *et seq.* See St. 1905, 464; 1906, 309.
SECT. 118 amended. St. 1904, 459 § 5.
SECTS. 127-129 repealed and new provisions made for appropriations and accounts. St. 1905, 175. (See 1905, 211 § 1, 400.)

Chapter 88. — Of the Massachusetts State Sanatorium.

- SECT. 1. Number of trustees increased; two to be women. St. 1905, 159.
SECT. 3. See St. 1905, 175 § 3.

Chapter 89. — Of the State Board of Agriculture and the Dairy Bureau.

One hundred and twenty-five free scholarships are established at the Massachusetts agricultural college. St. 1904, 414 § 1.

Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3.

State nursery inspectorship established and provision for protection of trees, etc., from injurious insects and diseases. St. 1902, 495. (See 1902, 57; 1905, 381.)

Office of state forester established and duties prescribed. St. 1904, 409.

SECT. 1 amended. St. 1902, 116 § 4.

SECT. 4. See St. 1904, 444 §§ 2, 3.

SECT. 5 amended. St. 1905, 155.

SECT. 8. See St. 1905, 211 § 1.

SECT. 10. Provision for instruction in agriculture. St. 1906, 505 § 7.

Chapter 90. — Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116. (See 1903, 249; 1904, 414 § 2.)

SECT. 3. See St. 1905, 211 § 1.

SECT. 4 *et seq.* See St. 1903, 220 § 1.

SECT. 26. See St. 1905, 266.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 822.

Chapter 91. — Of Fisheries.

Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, §27.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291.)

Fishing regulated in various places: Barnstable county; St. 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. (See 1906, 314.) Boston harbor; 1894, 189. Bourne; 1899, 194. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Charles river; 1894, 189. Cottage City; 1905, 281 § 1. Dartmouth; 1906, 477. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Eastham; 1893, 77; 1904, 269; 1905, 265. Edgartown; 1886, 234; 1891, 52; 1897, 181; 1903, 216; 1904, 301; 1905, 281. (See 1904, 319.) Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. (See 1906, 314.) Haverhill; 1894, 296. Hingham; 1894, 189. Ipswich; 1897, 289. (See 1902, 164.) Marion; 1892, 188; 1893, 255; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nantucket; 1891, 128; 1904, 232. Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Orleans; 1904, 118, 269; 1905, 265. (See 1901, 163.) Plum Island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.) Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. Podonk pond; 1900, 234. Quinsigamond lake; 1896, 259; 1901, 158; 1905, 429. Rehoboth and Swansea; see 1904, 132. Randolph; 1889, 78. Rowley; 1897, 289. Sandwich; see 1904, 321. Scituate; 1889, 292; 1890, 336. Tisbury; 1902, 188; 1903, 201. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet; 1891, 135; 1904, 269. Westport; 1887, 193; 1891, 137. Weymouth river; 1894, 189.

SECT. 3 amended. St. 1905, 407.

SECT. 3 *et seq.* A commissioner or deputy with a warrant may search certain premises for violation of fish or game laws. St. 1904, §67 § 1; 1906, 179 § 2. (See 1902, 178; 1905, 317.)

SECT. 7 revised. St. 1902, 164.

SECT. 8 amended. St. 1906, 356 § 1. Persons aggrieved by order may appeal to superior court. St. 1906, 356 § 2.

SECT. 9 amended. St. 1904, 365.

SECT. 15 *et seq.* Provision as to sale or lease of certain islands in great ponds. St. 1904, 379.

SECT. 19 amended. Ponds may be restocked and time extended. St. 1903, 274.

SECT. 26 revised. St. 1904, 308; 1906, 239. (See 1903, 294; 1904, 118.)

SECTS. 36, 42. See St. 1904, 132.

SECT. 52. See St. 1904, 118.

SECT. 54. See St. 1904, 319.

SECT. 57 *et seq.* Killing and transportation of pike-perch restricted. St. 1906, 179.

SECT. 62 amended. St. 1906, 314 § 1.

SECT. 63 amended. St. 1902, 137; 1906, 314 § 2.

SECT. 63 *et seq.* Act to prohibit for three years sale of all trout except those artificially reared. St. 1903, 205. Extended. St. 1906, 263.

SECT. 64 amended. St. 1902, 544 § 11; 1905, 190.

SECT. 67 amended. St. 1904, 329.

SECT. 68 repealed and new provisions made. St. 1905, 417. (See 1904, 364.)

SECT. 69 repealed. St. 1904, 223.

SECTS. 81, 82. See St. 1906, 239.

SECT. 81 amended. St. 1904, 116 § 1; 1905, 81.

SECT. 83 *et seq.* Propagation and cultivation of shellfish regulated. St. 1904, 282. (See 1906, 477.)

SECT. 84 amended. St. 1906, 288.

SECT. 85 limited. St. 1903, 216 § 6; 1904, 269 § 6; 1905, 265 § 1; 1906, 477 § 7.

SECT. 86 *et seq.* Provision for protection of lobsters with eggs attached. St. 1904, 408 § 1.

SECT. 101. See St. 1906, 477.

SECT. 116. See St. 1904, 118.

SECT. 122 *et seq.* See St. 1906, 239.

SECT. 127 in part repealed. St. 1904, 301 § 2. Amended. St. 1905, 281 § 1. (See 1904, 301 § 1.)

SECT. 132. See St. 1906, 239 § 2.

SECT. 133 revised. St. 1903, 246.

SECT. 134 extended. St. 1904, 282 § 2.

Chapter 92. — Of the Preservation of Certain Birds and Animals.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127. (See 1903, 287.)

Sale, etc., of prairie chickens prohibited. St. 1906, 304.

Unnaturalized foreign-born persons prohibited from hunting unless licensed. St. 1905, 317.

Shooting, etc., restricted in various places. Bristol; St. 1904, 366. (See 1902, 165; 1905, 406; 1906, 308.) Dukes; 1905, 273. Nantucket; 1902, 85; 1905, 122; 1906, 292.

SECT. 1 amended. St. 1904, 176.

SECT. 2 amended. St. 1903, 206.

SECT. 3 repealed. St. 1906, 303 § 2. (See 1902, 165; 1905, 122, 406; 1906, 303 § 1, 482.)

SECT. 4 repealed. St. 1906, 301 § 2. Act relative to ducks and teal. St. 1906, 301. Heath hens. St. 1906, 141. Wood or summer duck. St. 1906, 274.

SECT. 5 amended. St. 1903, 162, 244 § 1; 1905, 414. (See 1903, 329.)

- SECT. 6 revised. St. 1904, 369.
SECT. 7 amended. St. 1903, 287.
SECT. 8 amended. St. 1903, 329 § 1.
SECT. 9. See St. 1904, 366.
SECT. 11 amended. St. 1906, 241. (See 1905, 273.)
SECT. 12 amended. St. 1906, 278.
SECT. 13. See St. 1906, 292.
SECT. 16 amended. St. 1905, 73; 1906, 482.
SECT. 17 revised. St. 1905, 419. (See 1903, 245.)
SECT. 18 revised. St. 1905, 245. (See 1902, 154.)
SECT. 20 amended. St. 1905, 445.
SECT. 22 revised. St. 1902, 236.
SECT. 23. Provision for bounties for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. And for damages caused by wild deer. St. 1903, 407.

Chapter 94.—Of Lost Goods and Stray Beasts.

- SECT. 6. See St. 1906, 185 § 3.

Chapter 95.—Of Unclaimed or Abandoned Property.

- SECT. 8. Provision for disposition of such property in possession of metropolitan park officer. St. 1904, 170.
SECT. 13. See St. 1906, 185.

Chapter 96.—Of the Board of Harbor and Land Commissioners.

- SECT. 2. See St. 1905, 211 § 1.
SECT. 3. See St. 1904, 379.
SECT. 8. See St. 1902, 224, 425; 1904, 273.
SECT. 9. See St. 1903, 150 § 1.
SECT. 14. See St. 1906, 145.

Chapter 98.—Of the Observance of the Lord's Day.

- SECTS. 1, 2 revised. St. 1904, 460 §§ 1, 2. (See 1904, 176.)
SECT. 3. Sale of ice-cream, soda-water and confectionery permitted in certain cases. St. 1902, 414.
SECT. 5 revised. St. 1904, 460 § 3.

Chapter 99.—Of Gaming.

- Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Chapter 100.—Of Intoxicating Liquors.

- Licensing board for Boston. St. 1906, 291.
Act relative to wood alcohol. St. 1905, 220.
Act relative to storage of liquors by persons holding fourth or fifth class licenses. St. 1905, 284.

- SECT. 1 amended as to sale of cider and wine. St. 1903, 460.
- SECT. 10 *et seq.* Provisions for Boston. St. 1902, 485; 1906, 291 § 4, 395.
- SECT. 15 amended. St. 1906, 287 § 1.
- SECT. 17, cl. 2 revised, subject to acceptance by voters of Boston. St. 1906, 395. (See 1906, 386 § 1.)
- SECTS. 17, 18. Fourth and fifth classes. Storage. St. 1905, 284.
- SECT. 20 revised. St. 1902, 171. Amended. St. 1905, 206.
- SECT. 21 *et seq.* See St. 1902, 327; 1906, 281.
- SECT. 33 repealed. St. 1903, 461 § 1.
- SECT. 34 revised. St. 1906, 374 § 1.
- SECT. 35 amended. St. 1906, 104 § 1.
- SECTS. 48-50. Provision for registration and permits for carriers of intoxicating liquors in certain cases. St. 1906, 421.
- SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410.
- SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110.
- SECT. 86 amended. St. 1904, 122.
- SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.
- SECT. 89. See St. 1902, 524; 1906, 291 § 4.

Chapter 101.—Of Common Nuisances.

- Spitting in certain public places and conveyances prohibited. St. 1906, 165.
- Obstruction of means of egress from buildings declared a common nuisance. St. 1905, 347 § 1.
- Certain nuisances in Boston. St. 1893, 342; 1897, 185; 1904, 336; 1905, 426.
- As to gypsy and brown-tail moths, see St. 1902, 57; 1905, 381; 1906, 268.
- SECT. 8. See St. 1906, 291 § 10.

Chapter 102.—Of Licenses and Municipal Regulations of Police.

- Acts relative to assignment of wages, and standard form of assignment. St. 1905, 308; 1906, 390.
- Provision for registration and licensing of embalmers. St. 1905, 473.
- Licensing of theatres and public halls. St. 1904, 450; 1905, 341, 342.
- Inspection of steam boilers. St. 1905, 472; 1906, 387, 521, 522. (See 1906, 414.)
- Provision for license to carry loaded pistol. St. 1906, 172 § 1.
- In certain cities public lodging houses must be licensed. St. 1904, 242. (See 1894, 414.)
- Licenses to unnaturalized foreign-born persons to hunt. St. 1905, 317.
- Licenses in Boston: To gas fitters. St. 1897, 265. Junk dealers. St. 1900, 416; 1906, 291 § 10. (See 1902, 187 § 4.) Minors to black boots,

etc. St. 1902, 531. (See 1904, 450 § 2.) Pawnbrokers; private detectives; money lenders; dogs. St. 1906, 291 § 10. Picnic groves; skating rinks; intelligence offices; billiard tables; bowling alleys. St. 1906, 291 § 4. (See 1906, 384.)

Provision for licensing operators of automobiles and motor cycles. St. 1903, 473; 1905, 311; 1906, 412. (See 1902, 315; 1905, 366; 1906, 353.) And dealers in coal and coke. St. 1903, 484; 1906, 434.

SECT. 2. See St. 1906, 291 § 4.

SECT. 23 *et seq.* See St. 1906, 435.

SECTS. 29, 30, 32 amended. "Junk collectors" added. St. 1902, 187 §§ 1, 2, 3. (See 1906, 291 § 4.)

SECT. 33. See St. 1906, 291 § 10.

SECT. 40 amended. St. 1905, 415.

SECT. 47 *et seq.* See St. 1905, 308; 1906, 390.

SECT. 48. See St. 1906, 291 § 10.

SECT. 57 *et seq.* As to licenses in Lowell, see St. 1902, 151, 187 § 5.

SECT. 64. See St. 1905, 308; 1906, 390.

SECT. 78 *et seq.* See St. 1905, 310; 1906, 387.

SECT. 81 amended. St. 1905, 310 § 1.

SECT. 82 revised. St. 1905, 310 § 2; 1906, 414. (See 1906, 521, 522.)

SECT. 86 amended. St. 1905, 310 § 3.

SECT. 89 *et seq.* Provisions for regulations as to explosives and inflammable fluids. St. 1905, 280. (See 1904, 370.)

SECT. 114. See St. 1904, 370; 1905, 280.

SECT. 122 *et seq.* As to smoke nuisance in Boston, see St. 1905, 418.

SECT. 133 in part repealed. St. 1904, 353 § 3; 1906, 291.

SECT. 138 revised. St. 1904, 105 § 1.

SECT. 141 repealed. St. 1904, 105 § 2.

SECT. 142. See St. 1906, 291 § 10.

SECT. 150 *et seq.* Provision for better protection of domestic animals from dogs. St. 1902, 226; 1904, 127.

SECT. 151 amended as to appointment of appraisers. St. 1903, 100; 1904, 283.

SECT. 152. Increase in amount of reward authorized. St. 1905, 106.

SECT. 155 amended. St. 1904, 142.

SECT. 168. See St. 1906, 291 §§ 8, 10.

SECT. 172 in part repealed. St. 1904, 450 § 15. Amended. St. 1904, 460 § 4; 1905, 341. (See 1904, 450 § 2; 1905, 342; 1906, 105.)

SECT. 173 amended. St. 1904, 460 § 5. (See 1904, 450 § 15; 1905, 341; 1906, 105.)

SECT. 173 *et seq.* Act to prevent unauthorized performance, etc., of certain dramatic and musical compositions. St. 1904, 183.

Act relative to admission of persons under seventeen to dance halls and roller skating rinks. St. 1906, 384.

SECT. 176 amended. St. 1906, 190, 291 § 4. (See 1906, 384.)

SECT. 178. See St. 1906, 291 § 4.

SECT. 184 amended. St. 1906, 107. (See 1906, 384.)

SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4. (See 1906, 190, 291 § 4.)

Chapter 104.—Of the Inspection of Buildings.

Licensing and inspection of theatres and public halls regulated. St. 1904, 450; 1906, 105. (See 1904, 460 §§ 4, 5; 1905, 341, 342.) Acts to regulate use of cinematographs or similar apparatus. St. 1905, 176, 437.

Act to prohibit obstruction of means of egress from buildings. St. 1905, 347. Sanitary requirements for certain buildings. St. 1902, 322; 1905, 475; 1906, 250.

Building laws for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1; 1904, 227, 333, 336, 368, 450 §§ 2, 10; 1905, 342, 383, 426; 1906, 340.

SECTS. 12-15. See St. 1904, 450 §§ 4-10; 1905, 472.

SECTS. 15-21. See St. 1906, 105, 499 § 2.

SECT. 22 *et seq.* An act to regulate public lodging houses in certain cities. St. 1904, 242.

SECT. 25. See St. 1905, 347 § 1.

SECTS. 27, 28. An act relative to the operation and custody of elevators. St. 1902, 350.

SECT. 29. See St. 1905, 347 § 2.

SECTS. 36, 37 limited. St. 1906, 105 § 1. (See St. 1905, 347 § 2.)

SECTS. 41, 42. Provision for protection from flying shuttles. St. 1904, 347.

SECT. 54. See St. 1905, 347.

Chapter 105.—Of the Inspection of Steam Boilers.

Acts relative to the inspection of steam boilers. St. 1905, 472; 1906, 387, 521, 522. (See 1906, 414.)

SECT. 3. See St. 1906, 387 § 1.

SECT. 4. See St. 1905, 472 § 3; 1906, 387 § 3.

Chapter 106.—Of the Employment of Labor.

Act to constitute eight hours a maximum day's work for certain public employees. St. 1906, 517.

Massachusetts commission for the blind may establish and maintain workshops, etc. St. 1906, 385 § 4.

Removals and suspensions of certain employees regulated. St. 1904, 314; 1905, 243; 1906, 210.

Provision for free employment offices in certain cities. St. 1906, 435. For a state commission on industrial education. St. 1906, 505.

No public service corporation shall appoint or discharge any person at request of any public officer or member of public body. St. 1903, 320.

Cities and towns may establish hours of labor of members of fire department. St. 1904, 315. Provision for security of persons furnishing materials or labor on public buildings. St. 1904, 349. (See 1904, 373.)

Publicity provided for in certain cases. St. 1906, 306.

SECT. 1. Salaries fixed. St. 1904, 399.

- SECT. 2 amended. St. 1902, 446; 1904, 313 § 1.
 SECTS. 3-5 amended. St. 1904, 313 §§ 2-4.
 SECTS. 10, 11. Corrupt influencing of agents, etc., prohibited. St. 1904, 343 § 1.
 SECT. 14 revised. St. 1904, 311.
 SECT. 19 revised. St. 1906, 517 § 1.
 SECT. 19 *et seq.* See St. 1902, 384, 494; 1904, 334; 1906, 517.
 SECT. 20. See St. 1906, 517 §§ 1-3.
 SECT. 22 repealed. St. 1906, 463, III §§ 95, 158.
 SECT. 23 amended. St. 1904, 397. (See 1906, 284 § 2.)
 SECT. 24 amended. St. 1902, 435.
 SECT. 28 amended. St. 1905, 267 § 1; 1906, 284 § 1.
 SECTS. 28, 29. See St. 1906, 499.
 SECTS. 29-32. See St. 1905, 267 § 2; 1906, 284.
 SECT. 31 revised. St. 1904, 432; 1905, 213 § 1. (See 1906, 284 § 2.)
 SECT. 33 revised. St. 1906, 499 §§ 1, 6.
 SECT. 34. See St. 1904, 356; 1906, 499 § 3.
 SECT. 35 amended. St. 1902, 183.
 SECT. 43. Act relative to operation and custody of elevators. St. 1902, 350.
 SECTS. 47-55. Pure drinking water must be supplied in manufacturing establishments during working hours. St. 1902, 322. Fans or blowers required in all places where emery or buffing wheels or belts are used. St. 1903, 475. Sanitary provisions for foundries. St. 1906, 250.
 SECT. 56 amended. St. 1905, 238.
 SECT. 62 amended. Employee who leaves is to be paid on next pay day. St. 1902, 450. Counties added. St. 1906, 427.
 SECT. 63. See St. 1905, 308.
 SECT. 65 amended. St. 1905, 304 § 1.
 SECT. 66 amended. St. 1905, 304 § 2. Penalty provided. St. 1905, 304 § 3.
 SECT. 71. Provision for protecting operatives in factories from injury by flying shuttles. St. 1904, 347.
 SECT. 72 amended. St. 1906, 370.

Chapter 107. — Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

- SECT. 1. Chief to establish free employment bureaus in certain cities. St. 1906, 435. Additional clerk. St. 1906, 296 § 3.
 SECT. 2. See St. 1905, 211 § 1; 1906, 296, 385 § 2.
 SECTS. 10, 11 repealed. St. 1902, 438 § 7.

Chapter 108. — Of District and Other Police Officers.

- The fire marshal's department is abolished and duties and powers transferred to detective department of district police. St. 1904, 433; 1905, 280. Salaries of fire inspectors. St. 1905, 247 § 1, 461 § 1. (See 1902, 142; 1903, 365; 1904, 370.)
 Tenure of office of police officers. St. 1906, 210.

Police commissioner for Boston. St. 1906, 291. (See 1885, 323; 1889, 419; 1894, 266; 1897, 320; 1900, 306; 1903, 312, 428 § 3; 1904, 353, 402; 1905, 223.)

SECT. 1. Fourteen detectives. St. 1904, 318. Additional inspectors. St. 1904, 430; 1906, 522 § 1. (See 1903, 333.) Chief of boiler inspection department. St. 1906, 521. Clerks. St. 1906, 522 § 1.

SECTS. 1, 8. See St. 1903, 333, 365 §§ 2, 4; 1904, 347 § 2, 450 §§ 2-4; 1906, 105 §§ 1-3, 262, 387, 499 §§ 2, 4.

SECT. 2. See St. 1905, 211 § 1.

SECT. 5. Salaries fixed. St. 1904, 382; 1905, 247 § 1, 365, 461 § 1; 1906, 480 § 1, 521 § 1, 522 § 1.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5; 1905, 176, 304 § 4, 472; 1906, 262.

SECT. 10 amended. St. 1902, 544 § 12.

SECT. 11. See St. 1903, 333.

SECTS. 13-18 in part repealed. St. 1906, 463, I § 68.

SECT. 17 extended. St. 1904, 59.

SECT. 20 in part repealed. St. 1906, 463, I § 68.

SECTS. 21-25 superseded. St. 1906, 463, I §§ 49-55, 68.

SECT. 29 amended. St. 1903, 428 § 1.

SECT. 30 revised. St. 1903, 428 § 2.

SECTS. 32, 33, 36. See St. 1906, 291 § 10.

Chapter 109.—Of Certain Powers, Duties and Liabilities of Corporations.

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 156, 222; 1906, 271 §§ 12, 13, 286, 346, 372. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 370, 441, 463; 1903, 423; 1904, 442; 1905, 242; 1906, 392, 437.)

Corporations or persons engaged in business of selling tickets for transportation to or from foreign countries and in connection therewith receiving money for transmission to foreign countries must give bond to the state treasurer. St. 1905, 428; 1906, 408.

SECTS. 9-11, 15, 17, 20, 21, 24, 25, 27, 28, 30-35, 40, 52-57 repealed, so far as they apply to railroads or railroad corporations, etc. St. 1906, 463, II § 258.

SECT. 54 amended. St. 1905, 156. (See 1903, 437 § 53.)

Chapter 110.—Of Manufacturing and Other Corporations.

New provisions made for business corporations. St. 1903, 437; 1904, 207, 261; 1905, 222; 1906, 271 §§ 12, 13, 286, 346, 372. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 441; 1904, 442; 1905, 156.)

SECT. 19 in part repealed. St. 1906, 463, II § 258.

SECT. 32. See St. 1906, 437.

SECT. 50. See St. 1905, 330.

Chapter 111. — Of Railroad Corporations and Railroads.

This chapter, except section 158, is repealed by St. 1906, 463, II § 258; and revised by St. 1906, 463, I, II. (See 1902, 298, 402, 432, 440, 507, 533, 544 § 13; 1903, 126, 173, 297, 423, 478; 1904, 59, 96, 169, 265, 357, 429; 1905, 134, 208, 210, 408, 456; 1906, 266, 267, 283, 417, 463, II § 258, 516.)

Act to regulate formation of electric railroad companies. St. 1906, 516.
SECT. 158. Not repealed by St. 1906, 463.

Chapter 112. — Of Street Railway Corporations.

This chapter is repealed by St. 1906, 463, III § 158; and revised by St. 1906, 463, III. (See 1902, 288, 370, 395, 396, 399, 440, 449, 483; 1903, 134, 143, 202, 320, 328, 423, 476; 1904, 110, 210, 267, 373, 396, 441; 1905, 80, 134, 376; 1906, 267, 283, 339, 463, I § 68, 479, 516.)

Act relative to electric railroad companies. St. 1906, 516.

As to elevated railways and subways in and near Boston, see St. 1887, 413 § 4; 1890, 363, 454 § 12; 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1902, 114, 534; 1904, 167; 1906, 213, 520.

Chapter 113. — Of Savings Banks and Institutions for Savings.

SECTS. 1-9. Bank commissioner and a new board substituted for board of savings bank commissioners. St. 1906, 204, 377. (See 1902, 355 § 2, 463, 483 §§ 1, 3, 490; 1904, 374 § 5, 392 §§ 3-7, 427; 1905, 211 § 1; 1906, 347, 463, III § 147.)

SECT. 6. See St. 1902, 463; 1906, 66 § 1, 204 § 3, 347.

SECT. 11. See St. 1906, 377 § 1.

SECTS. 14, 15. No president, vice-president or treasurer shall hold similar office in a bank or trust company. St. 1902, 169 § 4.

SECT. 16 amended. Names of corporators to be published. St. 1902, 169 § 1.

SECT. 21 *et seq.* Offices not to be same as or connected with offices of a bank or trust company. St. 1902, 169 § 3. (See 1906, 204 § 3.)

SECT. 26. Additional securities. St. 1902, 483 § 1; 1906, 463, III §§ 147, 150. Cl. 2 *d* amended. St. 1904, 208 § 1. Cl. 3 *i, j*. See St. 1906, 204, § 3. Cl. 3 *m* amended. St. 1905, 250. Cl. 4 *e* extended. St. 1904, 210 § 1. Cl. 4 *g*. See St. 1902, 483 § 1. Cl. 9. See St. 1906, 204 § 3.

SECT. 32. See St. 1906, 204 § 3.

SECTS. 46, 49-51, 52, 56. See St. 1906, 204, § 3.

SECT. 47. Names of corporators to be reported. St. 1902, 169 § 2.

SECT. 56 extended. St. 1904, 200.

Chapter 114. — Of Co-operative Banks.

Act to provide for appointment of a bank commissioner. St. 1906, 204. (See 1906, 347, 377.)

Act relative to unauthorized banking. St. 1906, 377.

Consolidation of two or more banks authorized and regulated. St. 1904, 392. (See 1906, 204.)

- SECT. 2. See St. 1906, 204, § 4.
SECT. 4 amended. St. 1903, 147 § 1.
SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.
SECT. 14. Loans limited. St. 1904, 292 § 1.
SECT. 17 revised. St. 1906, 280 § 1.
SECT. 24 revised. St. 1903, 203 § 1.
SECTS. 26-30. See St. 1906, 204 § 3.
SECT. 31 (new section) added, relative to increase in limit of capital. St. 1903, 147 § 2.

Chapter 115.—Of Banks and Banking.

Act to provide for the appointment and relative to the duties of a bank commissioner. St. 1906, 204, 277.

Act relative to unauthorized banking. St. 1906, 377. Foreign banking associations or corporations. St. 1906, 66 § 1, 204 § 3, 347. (See 1902, 463.)

Corporations or persons engaged in business of selling tickets for transportation to foreign countries, and who receive funds for transmission abroad, must give bond to state treasurer. St. 1905, 428; 1906, 408.

Officers and offices must not be same as or connected with those of a savings bank. St. 1902, 169 § 3.

SECT. 3. See St. 1906, 204 § 3.

SECT. 56 *et seq.* See St. 1904, 263.

SECT. 67. See St. 1906, 204 § 3.

SECTS. 112-115. See St. 1906, 204 § 3.

Chapter 116.—Of Trust Companies.

Acts relative to the incorporation and to the reserve funds of trust companies. St. 1904, 374; 1905, 331.

Officers and offices not to be same as or connected with those of a savings bank. St. 1902, 169 § 3. An act relative to maintenance of branch offices. St. 1902, 355.

SECTS. 2-6. See St. 1904, 374 §§ 1-5; 1906, 204 § 3.

SECT. 5. Act relative to increase of capital. St. 1905, 189.

SECT. 20. See St. 1906, 204 § 4.

SECT. 28. See St. 1904, 374 §§ 6, 7; 1905, 331 § 1.

SECT. 30 amended. St. 1905, 228.

SECT. 37. See St. 1906, 204 § 3.

Chapter 117.—Of Mortgage Loan and Investment Companies.

See act to regulate bond and investment companies. St. 1904, 427.

SECTS. 14, 15. See St. 1906, 204 §§ 3, 4.

Chapter 118.—Of Insurance.

Act relative to returns and reserves of accident insurance companies. St. 1905, 287.

SECT. 6. Disposition of certain old papers allowed. St. 1904, 247 § 1.

SECT. 7 amended. St. 1903, 421.

- SECT. 11. Cl. 4 amended. St. 1903, 223 § 1. (See 1905, 287.)
SECT. 15 amended. St. 1902, 106.
SECT. 18 *et seq.* See St. 1905, 287.
SECT. 29, cl. 4, amended. St. 1906, 396. Companies may do business under clauses 3 and 11. St. 1902, 340 §§ 1, 3. (See 1904, 427 § 7.)
Cl. 4, 5. See St. 1905, 287, 401, 472.
SECT. 39 amended. Further restrictions. St. 1904, 300 § 1.
SECT. 43 amended. St. 1903, 174 § 1.
SECT. 45. See St. 1904, 300 § 1.
SECT. 60. Cl. 7. Word "noon" defined. St. 1904, 240 § 1.
SECT. 61. Authority to transact new business restricted. St. 1904, 304.
SECT. 77. See St. 1902, 340 § 2.
SECT. 78 *et seq.* See St. 1905, 315, 401.
SECT. 88 amended. St. 1906, 271 § 7.

Chapter 119.—Of Fraternal Beneficiary Corporations.

- SECTS. 1, 2. See St. 1903, 332 § 1.
SECT. 6. Domestic corporation may adopt provisions of R. L., ch. 120. St. 1904, 155. (See 1904, 427 § 7.)
SECT. 12 amended. St. 1903, 332 § 1.
Provision for partial payment on death of wife. St. 1904, 271.
SECT. 13. Restriction as to name. St. 1905, 315.
SECT. 14. See St. 1903, 166.
SECT. 17. See St. 1903, 332 § 1.

Chapter 120.—Of Assessment Insurance.

- SECT. 1. Domestic corporation organized under R. L., ch. 119, may also carry on business under this chapter. St. 1904, 155.
SECT. 6. See St. 1904, 155 § 3, 427 § 7.
SECT. 13 amended. St. 1903, 227.

Chapter 121.—Of Gas and Electric Light Companies.

- SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228. (See 1903, 464; 1905, 211 § 1; 1906, 422.)
SECT. 4 superseded. St. 1904, 435.
SECT. 7. See St. 1905, 211 § 1.
SECT. 9. See St. 1906, 422 § 4.
SECT. 10. Act relative to increase of stock. St. 1906, 437. (See 1906, 392.)
SECT. 21. See St. 1903, 320.
SECT. 22. See St. 1906, 392.
SECT. 31 amended. St. 1903, 406 § 1.
SECT. 33 amended. St. 1903, 164.
SECT. 34. See St. 1903, 464.
SECTS. 34, 35 limited. St. 1906, 422 § 10.

Chapter 122.—Of Companies for the Transmission of Electricity.

The Massachusetts highway commission to have general supervision of all companies engaged in the transmission of intelligence by electricity. St. 1906, 433.

As to electric railroad companies, see St. 1906, 516.

SECT. 1. See St. 1903, 320.

SECT. 2 revised. St. 1903, 237; 1906, 117 § 1.

SECT. 9. See St. 1906, 433.

SECT. 12. See St. 1906, 433.

SECT. 24. See St. 1906, 433 §§ 8, 9.

Chapter 123.—Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

Chapter 125.—Of Corporations for Charitable and Other Purposes.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524.

SECT. 4. See St. 1906, 291 § 10.

SECT. 5. See St. 1905, 464.

SECT. 13. See St. 1902, 430; 1903, 275.

SECT. 17, 18 in part repealed. St. 1906, 463, I § 68.

SECT. 19 repealed. St. 1906, 463, I § 68.

SECT. 20. Trustees shall make annual reports. St. 1904, 248. (See 1906, 275.)

SECT. 22. See St. 1905, 216; 1906, 275.

Chapter 126.—Of Foreign Corporations.

This chapter, except section 8, is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 §§ 56-70, 95; 1905, 233, 242; 1906, 346 § 2, 347. (See 1902, 349, 463; 1904, 207, 261, 442; 1905, 156, 222; 1906, 271, 372.)

Foreign banking associations or corporations. St. 1906, 66, 204 § 3, 347. (See 1902, 463.)

SECT. 4. See St. 1905, 242; 1906, 269.

SECT. 6. See St. 1903, 437 § 66; 1905, 233.

SECT. 9. See St. 1906, 269.

Chapter 127.—Of the Alienation of Land.

SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

Chapter 128. — Of the Registration and Confirmation of Titles to Land.

Name of court changed to "Land Court," jurisdiction enlarged and proceedings regulated. St. 1904, 448; 1905, 249, 288; 1906, 50, 344. (See 1905, 195, 286, 291, 296.) Court may determine questions relating to written instruments purporting to authorize transfer of real estate. St. 1906, 344.

SECT. 1 amended. St. 1904, 448 § 10; 1905, 249 § 1.

SECT. 12. Salaries changed. St. 1904, 386; 1906, 416.

SECT. 13, relative to appeals, amended. St. 1902, 458; 1904, 448 §§ 3, 8; 1905, 288. (See 1905, 249, 291.)

SECTS. 13-17. See St. 1904, 448 § 3; 1905, 249, 288, 291.

SECT. 18 amended. St. 1905, 249, § 2. Affected. St. 1906, 50 § 3. (See 1905, 296 § 2.)

SECT. 29. See St. 1904, 448 § 6.

SECT. 32 amended. St. 1906, 452 § 1.

SECT. 35. Act relative to compensation of masters. St. 1905, 195.

SECT. 40. See St. 1904, 448 § 4.

SECT. 62 amended. St. 1905, 296 § 1. Limited. St. 1905, 296 § 2.

SECT. 89. See St. 1904, 317, 443.

SECT. 109. See St. 1905, 249 § 3.

Chapter 129. — Of Estates for Years and at Will.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473; 1904, 421.

Chapter 131. — Of Homesteads.

SECT. 6. See St. 1906, 129.

Chapter 132. — Of the Rights of a Husband in the Real Property of His Deceased Wife and the Rights of a Wife in that of Her Deceased Husband.

Act relative to conveyances and will of a husband deserted by his wife, or living apart from her for justifiable cause. St. 1906, 129.

SECT. 1. St. 1894, 170 is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

SECT. 9 amended. St. 1904, 306.

Chapter 134. — General Provisions relative to Real Property.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473; 1904, 421.

Chapter 135.—Of Wills.

SECT. 12 amended. St. 1902, 160.

SECT. 16. If the probate court decrees that husband has been deserted by wife, or has left her for justifiable cause, wife may not waive provisions of his will. St. 1906, 129 § 1.

Chapter 136.—Of the Probate of Wills and the Appointment of Executors.

SECT. 1 amended. St. 1905, 90.

Chapter 138.—Of Public Administrators.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2; 1905, 124 § 1. Sales made under St. 1903, 260 § 1, ratified. St. 1905, 124 § 2.

Chapter 140.—Of Allowances to Widows and Children, the Distribution of the Estates of Intestates, and of Advancements.

SECT. 3. Cl. 3 amended. St. 1905, 256.

Chapter 141.—Of the Payment of Debts, Legacies and Distributive Shares.

SECT. 2 amended. St. 1904, 165.

Chapter 143.—Of the Settlement of the Estates of Deceased Non-residents.

SECT. 2 amended by act to facilitate settlements. St. 1904, 360.

Chapter 144.—Of the Settlement of Estates of Absentees.

Act relative to the settlement of trust estates, the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 1 revised. St. 1903, 241 § 1; 1906, 224 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 4 amended. St. 1904, 206 § 1.

SECT. 9 amended. St. 1906, 175 § 1.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12. See St. 1902, 544 § 20; 1904, 206 § 2.

Chapter 145. — Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474; 1904, 163. (See 1902, 324.)

SECT. 23 amended. St. 1906, 452 § 2.

SECT. 40 amended. St. 1903, 96 § 1; 1905, 127 § 1.

Chapter 146. — Of Sales, Mortgages and Leases of Real Property by Executors, Administrators and Guardians.

SECT. 18 amended. St. 1904, 217 § 1; 1906, 73 § 1.

Chapter 148. — Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

Chapter 149. — Of Bonds of Executors, Administrators, Guardians and Trustees.

SECT. 1. Cl. 4. See St. 1905, 326.

Chapter 150. — Of the Accounts and Settlements of Executors, Administrators, Guardians, Trustees and Receivers.

Trusts for benefit of a city or town to be audited by city or town auditor. St. 1904, 322.

Act relative to the settlement of trust estates the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 25 amended. St. 1906, 127 § 1.

Chapter 151. — Of Marriage.

SECT. 11. Court having jurisdiction may issue writ of *habeas corpus* in cases of children whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

SECT. 14 revised. St. 1902, 310.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

Chapter 152. — Of Divorce.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 24. See St. 1906, 129.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

Chapter 153. — Of Certain Rights and Liabilities of Husband and Wife.

Act relative to conveyances and will of a husband deserted by his wife or living apart from her for justifiable cause. St. 1906, 129.

SECTS. 15, 16. See St. 1902, 478.

SECT. 31 *et seq.* See St. 1906, 501.

SECT. 38. See St. 1902, 324; 1906, 129.

Chapter 154. — Of the Adoption of Children and Change of Names.

SECT. 2 amended. St. 1902, 544 § 22; 1904, 302.

Chapter 156. — Of the Supreme Judicial Court.

SECT. 5 amended. Provision for jurisdiction of actions of contract and replevin stricken out. St. 1905, 263 § 1. (See 1906, 306 § 2, 372, 377, 433 § 7.)

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

Chapter 157. — Of the Superior Court.

SECT. 1. Number of associate justices increased to twenty-two. St. 1903, 472 § 2. (See 1902, 383.)

SECTS. 2, 3. See St. 1903, 383 § 4.

SECT. 3. Jurisdiction in writs of entry, petitions to try title to real estate, to determine validity of encumbrances on real estate, to discharge mortgages and to determine boundaries of flats, transferred to the land court. St. 1904, 448 § 1; 1906, 50. (See 1905, 195, 249, 288, 291.) Provision for issue of *habeas corpus* in disputes as to care or custody of child. St. 1902, 324.

SECT. 4. See St. 1905, 263 § 1; 1906, 433 § 7, 434 § 2.

SECT. 6. See St. 1905, 288.

SECT. 24. Sessions changed: Barnstable, St. 1902, 456 § 2. Berkshire, 1904, 38. Hampden, 1904, 144. Middlesex, 1903, 97 § 1. Plymouth, 1903, 54 §§ 3-5. Suffolk, 1902, 456 § 1; 1903, 472 § 1.

Chapter 159. — Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

SECTS. 1-3. See St. 1903, 383 § 4; 1905, 315; 1906, 306 § 2, 372, 377 § 2.

SECT. 3 amended. St. 1902, 544 § 23.

SECT. 11. Separate equity docket in Essex. St. 1905, 107.

Chapter 160. — Of Police, District and Municipal Courts.

SECT. 1. Jurisdiction extended: Fitchburg, St. 1904, 259. Lowell, 1904, 264. (See 1906, 489 § 4.)

SECT. 2. New courts established: Boston juvenile, St. 1906, 489. Fourth Bristol, 1903, 214. Third Essex, 1906, 299 § 1. Eastern Hamp-

shire, 1903, 412. Winchendon, 1904, 372 § 1. (See 1906, 240.) Western Worcester, 1902, 416 §§ 1, 2. Districts changed: Newburyport, St. 1902, 455. Central Worcester, 1902, 186. First and second eastern Worcester, 1902, 161.

SECTS. 9-12. Clerk for second Essex, St. 1906, 240. Central Middlesex, 1905, 133. Williamstown, 1906, 351. Winchendon, 1906, 248. Eastern Worcester, 1905, 192. Second southern Worcester, 1906, 194.

SECTS. 12, 13. Provision for assistant clerks *pro tempore*. St. 1906, 256.

SECT. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3; 1904, 282 § 3; 1906, 105 § 6, 282, 489 § 3.

SECT. 25. See St. 1906, 413, 489.

SECT. 39 *et seq.* Sessions: Winchendon, St. 1904, 372 §§ 3, 4. Western Worcester, 1902, 416 § 4. (See 1904, 218.)

SECT. 44 amended. St. 1906, 166.

SECT. 48. See St. 1904, 453 § 5.

SECT. 58. Additional assistant. St. 1906, 468.

SECT. 59. Jurisdiction in certain juvenile cases transferred to the Boston juvenile court. St. 1906, 489 § 4. (See 1906, 499 § 5.)

SECT. 64. Officers attending sessions to wear uniforms. St. 1902, 368; 1906, 355 § 2. Messenger for municipal court of Boston, St. 1906, 192.

SECT. 67 in part repealed. Salaries classified and established. St. 1904, 453 §§ 1, 4; 1905, 339. (See 1902, 299, 320, 356, 360, 378, 416 § 3; 1903, 214 § 2, 412 § 2; 1904, 372 § 2; 1905, 133, 192.) Boston juvenile. St. 1906, 489 § 2. Chelsea, 1906, 325. Second Essex, 1906, 240. Third Essex, 1906, 299 § 2. Franklin and eastern Hampshire, 1904, 453 § 2. Lee, 1905, 443. Lowell, 1905, 165. Williamstown, 1906, 351. Winchendon, 1904, 372 § 2; 1906, 248 § 1. Municipal court of Boston, 1904, 454 § 1; 1905, 452; 1906, 192 § 1, 355, 449 § 1, 450. (See 1902, 368.) Allowance for clerical assistance: First Barnstable, 1904, 331. Second Barnstable, 1906, 228. Brockton, 1906, 289. Boston, 1906, 449 § 2. Chelsea, 1904, 258. East Boston, 1903, 179. First Essex, 1906, 196. Second eastern Middlesex, 1906, 195. First northern Worcester, 1906, 197.

SECT. 68 repealed. St. 1904, 453 § 4. Provision for travelling expenses. St. 1904, 453 § 3.

SECT. 69. Compensation of special justices: Dukes County. St. 1902, 309.

SECT. 70. Compensation of assistant clerks *pro tempore*. St. 1906, 256 § 1.

Chapter 161.—Of Justices of the Peace and Trial Justices.

SECT. 14 amended. Error corrected. St. 1902, 544 § 24.

SECT. 30 *et seq.* See St. 1903, 209 § 1.

Chapter 162.—Of Probate Courts.

SECT. 3. Jurisdiction extended. St. 1902, 371; 1903, 222, 248, 260; 1906, 129, 309.

SECT. 4. Court may proceed by *habeas corpus* to determine question of care and custody of children in certain cases. St. 1902, 324.

SECT. 5. Certain proceedings of the probate courts confirmed. St. 1902, 538.

SECT. 47 amended. St. 1905, 229.

SECT. 60. Change in sessions: Hampden. St. 1905, 79.

Chapter 163.—Of Courts of Insolvency.

SECT. 2 amended. Error corrected. St. 1902, 544 § 25.

SECT. 186. Sale of merchandise in bulk is restricted. St. 1903, 415.

Chapter 164.—Of Judges and Registers of Probate and Insolvency.

Act to provide for retirement of judges. St. 1906, 474.

SECT. 5 amended. St. 1904, 401 § 1; 1905, 92 § 1.

SECT. 7 amended. St. 1904, 401 § 2; 1906, 59 § 1.

SECT. 16. Assistant in Berkshire and assistant in Franklin, who may be a woman. St. 1904, 286 § 1. Second assistant in Middlesex. St. 1905, 323.

SECT. 27 in part repealed. Salaries classified and established. St. 1904, 455 §§ 1, 3; 1906, 59. Provision for future readjustment of salaries. St. 1904, 455 § 2. For retirement on pension. St. 1906, 474. Berkshire, assistant register. St. 1906, 265 §§ 1, 3. (See 1904, 286 § 2.) Middlesex, second assistant. St. 1905, 323 § 1.

SECT. 28. Berkshire excepted. St. 1904, 286 § 3.

SECTS. 28, 29. Amount increased: Bristol, St. 1902, 412. Essex, 1904, 281. Middlesex, 1904, 387. Norfolk, 1905, 183. Plymouth, 1904, 219.

SECT. 32. See St. 1904, 401 § 2; 1905, 92 § 1; 1906, 59 § 1.

SECT. 33 amended. St. 1906, 149. Allowance for uniform. St. 1904, 272.

SECT. 35. Pay of messenger and uniform. St. 1906, 193.

Chapter 165.—Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 5. A fourth assistant in Middlesex. St. 1903, 187 § 1.

SECT. 6. Additional assistant clerks. St. 1903, 472 § 3; 1906, 276.

SECT. 7. Third assistant in Worcester. St. 1904, 287 § 1.

SECT. 17 *et seq.* Clerks to make certain annual returns to secretary of the Commonwealth. St. 1905, 321.

SECT. 34 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 2. (See 1902, 462.)

SECT. 35 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 3; 1905, 179. (See 1902, 358, 499, 513; 1903, 137, 472 § 3.) Suffolk, superior. St. 1902, 499; 1905, 380; 1906, 276 § 1.

SECTS. 40, 41 revised. St. 1904, 355 §§ 1, 2.

SECT. 43 revised. St. 1904, 355 § 3.

SECT. 44 *et seq.* See St. 1904, 458 § 5.

SECT. 52 amended. Eleven in Middlesex. St. 1904, 348. May act in any county. St. 1906, 187. (See 1905, 110; 1906, 180.)

SECT. 72 *et seq.* Tenure of office. St. 1906, 147.

SECT. 76 affected. St. 1906, 470 § 1.

SECT. 81 amended. St. 1904, 145.

Chapter 166.—Of Provisions relative to Courts and of Naturalization.

SECT. 18. See St. 1903, 442; 1906, 527.

SECT. 21 (new section) added, providing for evening sessions. St. 1905, 340.

Chapter 167.—Of the Commencement of Actions and the Service of Process.

SECT. 6 amended. St. 1904, 320.

SECT. 15. See St. 1905, 266.

SECT. 28 amended as to trustee process. St. 1906, 201.

SECTS. 34-37. See St. 1906, 269, 372.

SECT. 39 in part repealed. St. 1906, 463, I § 68.

SECTS. 116, 117, 121-123. See St. 1905, 110.

Chapter 168.—Of Arrest on Civil Process.

SECT. 20 amended. St. 1906, 203 § 1.

SECT. 41 amended. St. 1906, 203 § 2.

Chapter 170.—Of Proceedings against Absent Defendants and upon Insufficient Service.

SECT. 1. See St. 1906, 269.

Chapter 173.—Of Pleading and Practice.

SECT. 2 *et seq.* See St. 1905, 266.

SECT. 48. See St. 1905, 266.

SECT. 55 amended. St. 1905, 271.

SECT. 76 repealed. St. 1906, 342 § 1.

SECT. 81 amended. St. 1904, 448 § 9; 1905, 286.

SECT. 96 amended. St. 1906, 342 § 2.

SECT. 97 amended. St. 1906, 451.

SECT. 106 amended. St. 1906, 342 § 3.

Chapter 174.—Of Set Off and Tender.

SECT. 14. See St. 1904, 317.

Chapter 175.—Of Witnesses and Evidence.

SECT. 8. See St. 1906, 291 § 18.

SECT. 10 *et seq.* See St. 1904, 343 § 2.

Chapter 176.—Of Juries.

SECT. 3 amended. St. 1904, 307 § 1; 1906, 257.

Chapter 179.—Of the Writ of Entry.

Jurisdiction of writs of entry transferred to the land court. St. 1904, 448 § 1.

SECT. 7. See St. 1905, 266.

Chapter 182.—Of Proceedings for the Settlement of Title to Land.

SECTS. 1-5, 11-14, 15. Jurisdiction transferred to the land court. St. 1904, 448 § 1; 1905, 249 § 4. (See 1905, 288; 1906, 50, 344.)

Chapter 183.—Of the Determination of Boundaries of Flats.

SECT. 1 amended. St. 1906, 50 § 1.

SECT. 2. See St. 1906, 50 § 2.

Chapter 184.—Of the Partition of Land.

SECT. 33 amended. Errors corrected. St. 1902, 544 § 26.

Chapter 187.—Of the Foreclosure and Redemption of Mortgages.

SECT. 14 amended. St. 1906, 219 § 1.

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SECT. 6. See St. 1906, 201.

SECT. 19. See act relative to trustee process against common carriers. St. 1905, 324.

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SECT. 65. See St. 1905, 110.

Chapter 191.—Of Habeas Corpus.

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SECT. 4 amended. St. 1902, 544 § 27.

Chapter 196.—Of Mills, Dams and Reservoirs.

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SECT. 30. See St. 1905, 266.

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SECT. 1 amended. St. 1905, 370 § 1.

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SECT. 4. Actions of tort for personal injuries against counties, cities and towns added. St. 1902, 406. (See 1905, 266.)

Chapter 203.—Of Costs in Civil Actions.

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SECT. 26 amended. St. 1904, 413 § 1.

Chapter 204.—Of the Fees of Certain Officers.

SECT. 2 amended. Fee for *alias* stricken out. St. 1904, 350 § 1.

SECT. 2 *et seq.* Fees to be paid into county treasury. St. 1904, 453 § 5.

SECT. 6 amended. City of Boston, as a party in civil actions, to pay no fees or expenses of suits to clerks of courts of Suffolk. St. 1902, 253.

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SECT. 12. As to Dukes County, see St. 1905, 336 § 1.

SECT. 17 amended relative to payment of jurors. St. 1903, 256 § 1.

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SECT. 1. See St. 1906, 293.

SECT. 4. Male and female prisoners not to be placed in the same dock at same time in certain cases. St. 1904, 218 § 1.

Chapter 206.—Of Crimes against the Sovereignty of the Commonwealth.

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Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3, 4-11. (See 1902, 315; 1905, 311, 366; 1906, 353, 412.)

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Unreasonable neglect to support wife and minor children made punishable. St. 1906, 501.

SECT. 28. See St. 1906, 386 §§ 2-4.

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Provision for protection of property, etc., used by commissioners on fisheries and game. St. 1906, 327.

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As to sale or distribution of trading stamps or similar devices, see St. 1903, 386; 1904, 403; 1906, 523.

Sale of merchandise in bulk is restricted. St. 1903, 415.

Wanton destruction or injury of personal property by means not mentioned in this chapter is punishable. St. 1904, 305.

The corrupt influencing of agents, employees or servants is punishable. St. 1904, 343 § 1.

SECT. 26 amended. St. 1906, 261 § 1.

SECTS. 26, 27. Misrepresentations as to articles for sale made punishable. St. 1902, 397.

SECT. 37 amended. St. 1906, 181.

SECT. 40 repealed. St. 1902, 544 § 28.

SECT. 51. See St. 1903, 415 § 1.

SECT. 60. Provision to prohibit unauthorized use of certain registered insignia, badges, etc. St. 1904, 335. (See 1902, 430; 1903, 275.)

SECT. 61 amended. St. 1902, 544 § 29. (See 1902, 397.)

SECT. 73. See St. 1903, 415.

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SECTS. 85, 86. See St. 1904, 370 § 4; 1905, 280 § 3.

SECT. 86 revised. St. 1904, 396.

SECTS. 91, 99, 105, 106, 111, 121. See St. 1904, 444 §§ 2, 3.

SECT. 99 amended. St. 1904, 444 § 1.

SECT. 100 amended. "Or wantonly" added. St. 1902, 544 § 30. (See 1905, 279 § 3.)

SECTS. 101, 102 amended. "Wantonly" substituted for "wilfully and maliciously." St. 1902, 544 §§ 31, 32. (See 1905, 279 § 3.)

SECT. 104 amended. St. 1905, 279 § 2.

SECT. 106 amended. St. 1902, 544 § 33.

SECT. 108. See St. 1902, 57; 1905, 381; 1906, 268.

SECT. 112 amended. St. 1905, 434. (See 1905, 400.)

SECT. 115 extended. St. 1903, 158.

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SECT. 120 revised. St. 1905, 241.

Chapter 210. — Of Crimes against Public Justice.

SECTS. 14, 19. Act to prohibit conveying drugs or other articles to prisoners. St. 1905, 258.

Chapter 211. — Of Crimes against the Public Peace.

SECT. 9. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2.

Chapter 212. — Of Crimes against Chastity, Morality, Decency and Good Order.

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SECT. 37 revised. St. 1905, 384 § 1. (See 1905, 384 § 2.)

SECT. 41. See St. 1906, 291 § 10.

SECT. 45 amended. St. 1905, 307 § 1; 1906, 501. (See 1906, 129 § 1.)

SECT. 46 in part superseded. St. 1906, 282 § 1. (See 1903, 209.)

SECT. 53 amended. St. 1906, 403 § 1.

SECTS. 56, 57. See St. 1904, 274; 1905, 344, 348.

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Chapter 213. — Of Crimes against the Public Health.

Spitting in certain public places and conveyances a punishable offence. St. 1906, 165. (See 1902, 322; 1903, 475; 1906, 116, 250.)

Chapter 214. — Of Crimes against Public Policy.

Sale or distribution of trading stamps or similar devices is prohibited. St. 1903, 386. (See 1904, 403.)

Corrupt influencing of agents, employees or servants is punishable. St. 1904, 343.

SECT. 29 extended. St. 1902, 397; 1903, 386.

Chapter 216. — Of Proceedings to prevent the Commission of Crimes.

SECT. 15. The carrying of a loaded pistol without a license, and of certain other weapons, made punishable. St. 1906, 172 § 2.

Chapter 217. — Of Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment, Bail and Probation.

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SECT. 11 *et seq.* Provision for identification of fugitives from justice. St. 1906, 293. (See 1905, 459.)

SECTS. 29, 30. See St. 1906, 489 § 7.

SECT. 34. See St. 1906, 413 § 5.

SECT. 35 amended. St. 1904, 164. (See 1903, 236.)

SECT. 52. Male and female defendants not to be tried in same dock in certain cases. St. 1904, 218 § 1.

SECT. 56. See St. 1905, 110; 1906, 180, 187.

SECT. 62 revised. St. 1906, 180. (See 1906, 187.)

- SECT. 65. See St. 1906, 413 § 5.
SECT. 77 amended. St. 1906, 221.
SECT. 79 amended. St. 1903, 236 § 1.
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SECT. 85 *et seq.* Probation officers of superior court shall report to board of prison commissioners if required. St. 1902, 196.
SECT. 94 amended. St. 1906, 440.

Chapter 218. — Of Indictments and Proceedings before Trial.

- SECT. 15. See St. 1906, 413 § 11.
SECT. 67. See St. 1906, 501.

Chapter 219. — Of Trials and Proceedings before Judgment.

- Male and female prisoners not to be tried in same dock in certain cases.
St. 1904, 218 § 1.
SECTS. 11, 12 revised. St. 1904, 257 § 1.
SECT. 22 amended. St. 1905, 319. (See 1906, 413 § 5.)

Chapter 220. — Of Judgment and Execution.

- SECT. 1 revised. St. 1905, 338 § 1. (See 1905, 307; 1906, 413 § 5; 501 § 3.)
SECT. 4 amended. Unless otherwise provided, a person convicted of a misdemeanor, punishable by imprisonment, may be sentenced to jail or house of correction. St. 1902, 544 § 34.
SECTS. 15, 16. Sentences to reformatory prison for women regulated. St. 1903, 209 §§ 1-3; 1906, 282.
SECT. 16 amended. St. 1904, 224.
SECT. 18. See St. 1906, 413 § 8.
SECT. 20. See St. 1906, 261 § 2.
SECT. 21 amended as to term of imprisonment. St. 1904, 303.

Chapter 222. — Of the Board of Prison Commissioners.

- Provision for hospital for prisoners having tubercular disease. St. 1905, 355; 1906, 243. For identifying certain persons held in prison. St. 1905, 459; 1906, 293.
SECT. 3. See St. 1902, 196; 1903, 209 §§ 4, 5, 212, 452; 1905, 355, 459 § 2; 1906, 243, 282, 293, 302.
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- SECT. 14. See St. 1905, 355 ; 1906, 243, 302.
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- SECT. 11. See St. 1895, 449 § 14 ; 1896, 521, 536 ; 1897, 395.
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- SECT. 9. See St. 1905, 211 § 1.
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II

CHANGES IN THE GENERAL LAWS

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- 55 See 1906, 487. R. L. 6.
- 57 § 2 repealed, 1905, 381 § 10. R. L. 25, 26.
- 85 See 1905, 122. R. L. 92.
- 90 In part superseded, 1903, 279 §§ 5, 16. R. L. 11.
- 108 See 1903, 253. R. L. 32.
- 114 See 1902, 534. R. L. 112.
- 116 § 3; see 1905, 211 § 1. R. L. 89, 90.
- 137 Amended, 1906, 314 § 2. (See 1903, 205.) R. L. 91.
- 142 §§ 2, 3 repealed, 1904, 433 § 3. (See 1903, 365 § 1; 1904, 370
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- 154 § 1 superseded, 1905, 245. R. L. 92.
- 157 § 1 amended, 1903, 454 § 9; 1905, 386 § 6. R. L. 11.
- 158 Superseded, 1905, 465 § 87. R. L. 16.
- 165 Superseded, 1905, 406; 1906, 303. (See 1904, 366 § 3.) R. L. 92.
- 171 § 1 amended, 1905, 206 § 1. R. L. 100.
- 177 Superseded, 1905, 149. (See 1903, 120.) R. L. 6.
- 187 §§ 1, 4; see 1906, 291 § 4. R. L. 102.
- 190 § 2 superseded, 1902, 544 §§ 10, 35. R. L. 75.
- 192 Affected, 1904, 381. § 4 superseded, 1903, 420 § 1; 1904, 381 § 1.
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- 206 § 1 amended, 1906, 365 § 4. § 2 superseded, 1906, 365 § 2.
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- 211 Repealed, 1903, 279 § 18. R. L. 11.
- 213 See 1904, 395 § 2. R. L. 75.
- 216 See 1904, 381 § 1. R. L. 79.
- 225 Superseded, 1902, 492. R. L. 11.
- 226 Amended, 1904, 127. (See 1904, 283.) R. L. 20, 102.
- 228 See 1903, 464. R. L. 58.
- 230 See 1905, 275. R. L. 9.
- 246 Superseded, 1903, 280. R. L. 47.

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 288 Superseded, 1906, 463, III §§ 38, 158. R. L. 112.
 292 See 1904, 381 § 17. R. L. 79.
 298 Superseded, 1906, 463 I §§ 30, 37, 68. (See 1902, 440; 1905, 408.) R. L. 111.
 299 See 1904, 453 §§ 1, 6. R. L. 160.
 312 § 2 amended, 1903, 220 § 2. R. L. 75.
 318 In part superseded, 1905, 327 §§ 1, 2. R. L. 66.
 315 Repealed, 1903, 473 § 15. (See 1905, 311; 1906, 353.) R. L. 47, 52, 102.
 320 See 1904, 453 §§ 1, 6. R. L. 160.
 324 See 1902, 474; 1904, 163. R. L. 145, 151, 152.
 327 See 1906, 281 § 1. R. L. 76.
 336 Superseded, 1905, 465 § 14. R. L. 16.
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 348 § 1 superseded, 1902, 512. R. L. 11.
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 358 Superseded, 1904, 451 § 3. R. L. 165.
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 368 § 1 amended, 1906, 355 § 2. R. L. 160.
 370 Superseded, 1906, 463, III §§ 103, 158. (See 1902, 441; 1903, 437 §§ 14-16, 27.) R. L. 112.
 378 Superseded, 1904, 453 § 1. R. L. 160.
 383 § 1 superseded, 1903, 472 § 2. R. L. 157.
 384 § 1 superseded, 1904, 334 § 1. R. L. 11.
 395 Repealed, 1906, 463, III § 158. R. L. 112.
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 399 See 1906, 339, 463, III § 7. R. L. 112.
 402 Superseded, 1906, 463, I §§ 2, 68. R. L. 111.
 411 Repealed, 1902, 544 §§ 4, 35. (See 1904, 451 § 1, cl. H.) R. L. 20.
 416 § 3 in part superseded, 1904, 453 § 1. R. L. 100.
 423 § 1 amended, 1905, 193 § 1. R. L. 13.
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 440 Superseded, 1906, 463, I §§ 29-45, 68. (See 1902, 298, 507; 1905, 408.) R. L. 111.
 441 In part repealed, 1903, 437 §§ 27, 95. R. L. 109.
 443 § 1 amended, 1905, 325 § 2. R. L. 13.
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- 471 Superseded, 1905, 157 §§ 3, 5; 1906, 460 § 2. R. L. 7.
- 473 § 1 amended, 1903, 276. R. L. 15.
- 474 Amended, 1904, 163. R. L. 145.
- 483 Superseded, 1906, 463, III §§ 147, 158. (See 1904, 210; 1906, 204.) R. L. 112, 113.
- 485 § 4 affected, 1906, 291. R. L. 100.
- 490 Superseded, 1906, 204 § 2. R. L. 113.
- 493 Superseded, 1905, 465 § 180. R. L. 16.
- 495 See 1904, 409 § 3. R. L. 89.
- 499 See 1904, 451 § 3; 1905, 380. R. L. 165.
- 505 § 3 amended, 1903, 228. (See 1903, 249 § 1.) R. L. 76.
- 506 See 1904, 179. R. L. 11.
- 507 Repealed, 1906, 463, I § 68. R. L. 111.
- 513 Superseded, 1904, 451 § 3. R. L. 165.
- 521 See 1906, 258. R. L. 48.
- 523 § 1 in part superseded, 1906, 109 § 2. R. L. 4.
- 524 Affected, 1906, 291 § 4. R. L. 100.
- 530 Superseded, 1905, 157 §§ 2, 5. R. L. 7.
- 531 § 1 amended, 1906, 151. R. L. 65.
- 533 Superseded, 1906, 463, I §§ 23, 68. R. L. 111.
- 534 See 1904, 167. R. L. 145.
- 537 Extended, 1903, 426, 450, 453. § 1 amended, 1903, 425 § 1. § 2; see 1906, 444 § 9. § 3; see 1903, 474 § 7; 1905, 386 §§ 2, 13. R. L. 11.
- 542 See 1905, 400. R. L. 87.
- 544 § 4 in part superseded, 1904, 451 § 1. § 11 amended, 1905, 190. (See 1903, 205; 1906, 314.) R. L. 91. § 13 superseded, 1906, 463, II §§ 193, 258. R. L. 111. § 14 superseded and §§ 15-19 repealed, 1903, 241. (See 1904, 206 § 1; 1906, 224 § 1.) R. L. 144. § 20 repealed, 1904, 206 § 2. R. L. 144. § 22 amended, 1904, 302. R. L. 154. § 32 affected, 1905, 279 § 3. R. L. 208. § 34; see 1903, 209 § 1. R. L. 220.

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- 100 § 1 amended, 1904, 283. R. L. 102.
- 102 § 2 affected, 1904, 288 § 1. § 3 amended, 1904, 143 § 1. R. L. 19.
- 109 See 1903, 456. R. L. 41.
- 120 Superseded, 1905, 149. R. L. 6.
- 122 § 10 amended, 1904, 332 § 1. R. L. 57.
- 134 Superseded, 1906, 463, III §§ 90, 158. R. L. 112.
- 137 See 1904, 451 § 3. R. L. 165.
- 143 Superseded, 1906, 463, III §§ 74, 158. (See 1905, 376 § 1.) R. L. 112.

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- 158 § 1; see 1905, 205. R. L. 28, 48.
- 162 Amended, 1905, 414. (See 1903, 244.) R. L. 92.
- 173 Superseded, 1906, 463, I §§ 7, 68. (See 1904, 265; 1906, 266.)
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- 202 Superseded, 1906, 463, III §§ 41, 158. (See 1904, 441.) R. L.
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- 214 § 2 in part superseded, 1904, 453 § 1, cl. G. R. L. 160.
- 219 Amended, 1905, 289 § 2. R. L. 76.
- 223 § 1; see 1905, 287. R. L. 118.
- 226 § 3 repealed, 1905, 169. (See 1904, 263.) R. L. 6.
- 236 See 1904, 164. R. L. 217.
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- 241 § 1 amended, 1906, 224 § 1. (See 1904, 206 § 1.) R. L. 144.
- 245 Superseded, 1905, 419. R. L. 92.
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- 249 § 1 amended, 1906, 503 § 1. § 4 amended, 1906, 503 § 2. § 8;
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- 251 See 1904, 421. R. L. 6, 15.
- 260 § 1 amended, 1905, 124 § 1. R. L. 138.
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- 280 § 2 revised, 1904, 244 § 1. R. L. 47.
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- 291 Affected, 1905, 211 § 1. R. L. 9.
- 294 Superseded, 1904, 308. (See 1906, 239.) R. L. 91.
- 297 Superseded, 1906, 463, I §§ 62, 68. R. L. 111.
- 299 See 1904, 215. R. L. 38, 42.
- 305 § 1 amended, 1906, 415 § 1. R. L. 29.
- 330 §§ 1, 2, 3 amended, 1904, 220 §§ 1, 2, 3. Affected, 1906, 389.
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- 331 § 1 amended, 1905, 205. R. L. 28, 48.
- 334 See 1904, 356; 1906, 489 § 4, 501. R. L. 88, 160.
- 354 See 1906, 324. R. L. 225.
- 356 See 1904, 246. R. L. 75.
- 365 § 1 repealed, 1904, 433 § 3. (See 1904, 370 §§ 1-3.) R. L. 108.
- 368 § 3 amended, 1905, 313 § 1. R. L. 11.
- 377 Superseded, 1905, 465 § 31. R. L. 16.
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- 387 Superseded, 1904, 381 § 3, cl. 4. R. L. 79.

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- 99 Amount increased, 1906, 322. R. L. 14.
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Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, Sept. 14, 1906.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

WILLIAM M. OLIN,
Secretary of the Commonwealth.

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